

4810-8686-6440, v. 1

EXHIBIT B *part 1*

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CERTIFIED
CONDENSED TRANSCRIPT
DEPOSITION OF
JOYCE ZAIC

Date: May 25, 2011

Case:
Joyce Zaic

vs.

Las Vegas Metropolitan Police Department

Case No.: 2:10-cv-01814-PMP-LRL

CAMEO KAYSER & ASSOCIATES
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1	UNITED STATES DISTRICT COURT	
2	STATE OF NEVADA	
3	* * * *	
4	JOYCE ZAIC,)	
5	Plaintiff,) Case No: 6 vs.) 2:10-cv-01814-PMP 7) -LRL 8) 9 LAS VEGAS METROPOLITAN) 10 POLICE DEPARTMENT, a) 11 political subdivision of) 12 the STATE OF NEVADA;) 13 DANIELLE PIEPER,) 14 individually; B. EAGER) 15 P#6189, individually, and) 16 in his official capacity as) 17 a police officer; T.) 18 FREDERICK P#9793,) 19 individually, and in his) 20 official capacity as a) 21 police officer; SUNRISE) 22 MOUNTAINVIEW HOSPITAL,) 23 INC.; NEAL, a security) 24 guard for MOUNTAINVIEW) 25 HOSPITAL; CHRISTOPHER) 26 SIMMS; security guard for) 27 MOUNTAINVIEW HOSPITAL; JOHN) 28 DOES I through X; and ROE) 29 INSTITUTIONS I through X,) 30 inclusive,) 31 Defendants.) 32) 33 VIDEOTAPED DEPOSITION OF JOYCE ZAIC 34 At Marquis Aurbach Coffing 35 On Wednesday, May 25, 2011 36 At 11:10 a.m. 37) 38 At 10001 Park Run Drive 39 Las Vegas, Nevada 40) 41 Reported by: Cameo L. Kayser, RPR, CCR No. 569	
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<p>1 (Prior to the commencement of the 2 proceedings, Rule 30(b)(4) was waived.)</p> <p>3 Thereupon --</p> <p>4 JOYCE ZAIC</p> <p>5 was called as a witness by the Defendants Las Vegas, 6 Metropolitan Police Department, Officer Frederick, 7 and Officer Eager, and having been first duly sworn, 8 testified as follows:</p> <p>9 EXAMINATION</p> <p>10 BY MR. BENSON:</p> <p>11 Q. Thank you. Good morning. My name is 12 Josh Benson. I represent the Las Vegas Metropolitan 13 Police Department and the officers in this case.</p> <p>14 Will you please state and spell your name.</p> <p>15 A. Joyce Marilyn Zaic, J-o-y-c-e, M-a-r-i-l-y-n, Zaic, Z-a-i-c.</p> <p>16 Q. Have you ever been deposed before?</p> <p>17 A. No.</p> <p>18 Q. Briefly before we get into it, I want to just go over some basic things to know about a deposition.</p> <p>19 There is a court reporter on your right, 20 and you just took an oath to -- actually --</p> <p>21 Ms. Zaic, the court reporter on your right just gave</p>	<p>Page 5</p> <p>1 more facts regarding that question later on, feel 2 free to interrupt and add those facts. 3 If you need a break at any time, let us 4 know, and we can stop, allow you -- we will finish 5 the question we are on and allow you time to take a 6 break.</p> <p>7 Again, since you are with a court 8 reporter and your testimony is being recorded, if 9 you testify differently at trial, we can use this 10 testimony here today to impeach you.</p> <p>11 Do you understand that?</p> <p>12 A. Yes.</p> <p>13 Q. How do you feel today?</p> <p>14 A. I feel good.</p> <p>15 Q. Good. Are you on any medications?</p> <p>16 A. No.</p> <p>17 Q. Have you had any alcohol in the last 18 12 hours?</p> <p>19 A. No.</p> <p>20 Q. Is there anything preventing you from giving accurate testimony?</p> <p>21 A. No.</p> <p>22 Q. Do you have any questions about what we have covered?</p> <p>23 A. No.</p>
<p>1 you an oath to tell the truth. That's the same type 2 of oath that you would take in a court of law and it 3 is sworn to tell the truth.</p> <p>4 Do you understand that?</p> <p>5 A. Yes.</p> <p>6 Q. During the deposition if I ask you any 7 yes or no questions, I would ask that you answer 8 with yes or no. It is hard for the court reporter 9 to take down nods of heads or uh-huh type answers.</p> <p>10 Do you understand that?</p> <p>11 A. Yes.</p> <p>12 Q. Also, in order to help keep a clear 13 record, allow me to finish questions before you 14 answer. I will do the same and allow you to finish 15 the answer before I ask the question. Sometimes we 16 have a tendency to anticipate answers or whatnot.</p> <p>17 If you don't understand a question, 18 please tell me that you don't understand so I can 19 restate it. If you answer a question, I will assume 20 you understood it.</p> <p>21 Do you understand that?</p> <p>22 A. Yes.</p> <p>23 Q. Today we are asking for your best and 24 complete answer. So, for instance, if I ask you a 25 question early on in the deposition and you remember</p>	<p>Page 6</p> <p>1 Q. Have you talked with anyone about your 2 deposition today?</p> <p>3 A. No.</p> <p>4 Q. Where were you born?</p> <p>5 A. Las Vegas, Nevada.</p> <p>6 Q. Have you lived here your whole life?</p> <p>7 A. Yes.</p> <p>8 Q. And what is your current address?</p> <p>9 A. 4116 Rubidoux Drive, 89108, Las Vegas, Nevada.</p> <p>10 Q. Can you spell that address for us, Rubidoux?</p> <p>11 A. R-u-b-i-d-o-u-x.</p> <p>12 Q. How long have you lived at that address?</p> <p>13 A. 30 years.</p> <p>14 Q. Where did you live before that?</p> <p>15 A. On the other side of town with my mother.</p> <p>16 Q. And what is your birth date?</p> <p>17 A. February 2nd, 1968.</p> <p>18 Q. And did you -- so you went to high school here in Nevada?</p> <p>19 A. Yes.</p> <p>20 Q. What high school did you go to?</p> <p>21 A. Western High School.</p> <p>22 Q. Did you graduate?</p>

<p>1 A. Yes.</p> <p>2 Q. What year did you graduate?</p> <p>3 A. 1986.</p> <p>4 Q. Did you go to any college?</p> <p>5 A. Yes.</p> <p>6 Q. What college did you go to?</p> <p>7 A. CSN.</p> <p>8 Q. Did you get a degree from CSN?</p> <p>9 A. No.</p> <p>10 Q. Have you been to any technical schools?</p> <p>11 A. Yes.</p> <p>12 Q. What type of schools?</p> <p>13 A. Cosmetology school, real estate school.</p> <p>14 Q. Did you get degrees from both of those schools?</p> <p>15 A. Yes.</p> <p>16 Q. And how many semesters did you attend CSN for?</p> <p>17 A. I took classes on and off; so it wasn't on a semester basis.</p> <p>18 Q. And I want to go over your employment history for a little bit.</p> <p>19 Are you currently employed?</p> <p>20 A. No. I'm between jobs.</p> <p>21 Q. What was your last job you had?</p>	<p>Page 9</p> <p>1 Tuscany?</p> <p>2 A. Cocktail waitress in the casino.</p> <p>3 Q. And why did you leave the Tuscany?</p> <p>4 A. Probation. I mean, I just failed probation is what they said.</p> <p>5 Q. That you failed probation?</p> <p>6 A. That is what they said.</p> <p>7 Q. What do you mean by that?</p> <p>8 A. I don't really know. You would have to ask them. I don't know. They haven't --</p> <p>9 Q. Did any incidents occur while you worked there?</p> <p>10 A. No.</p> <p>11 Q. Before the Tuscany, where did you work?</p> <p>12 A. Arizona Charlie's.</p> <p>13 Q. And when did you work at Arizona Charlie's?</p> <p>14 A. I worked there -- I don't know the exact dates -- approximately 2007 and 2008. I worked there for about ten months.</p> <p>15 Q. And what were your job duties at Arizona Charlie's?</p> <p>16 A. Cocktail waitress in the casino.</p> <p>17 Q. And why did you leave Arizona Charlie's?</p> <p>18 A. I'm really not sure. There is -- it's</p>
<p>1 A. Casino Royale.</p> <p>2 Q. What years did you work at Casino Royale?</p> <p>3 A. I worked there from January 2011 until just like a week ago. I'm on the extra board; so I'm not -- I'm not sure what's going on.</p> <p>4 Q. And what was your job duties there?</p> <p>5 A. Casino cocktail waitress, in the casino.</p> <p>6 Q. And why do you not work there anymore?</p> <p>7 A. They said to call back after the 1st.</p> <p>8 Q. The first of --</p> <p>9 A. Because I'm on extra board.</p> <p>10 Q. The 1st of June?</p> <p>11 A. Yes.</p> <p>12 Q. And before Casino Royale, where did you work?</p> <p>13 A. The Tuscany Casino.</p> <p>14 Q. And what years did you work at the Tuscany?</p> <p>15 A. I worked there -- I don't know the exact dates. This was just recently, right before that one, right before the Casino Royale.</p> <p>16 Q. Did you work there for --</p> <p>17 A. Like the same, like 90 days or something, approximately.</p> <p>18 Q. And what were your job duties at the</p>	<p>Page 10</p> <p>1 under investigation right now. I was told not to discuss that.</p> <p>2 Q. What is under investigation?</p> <p>3 A. The Arizona Charlie's. I don't know. I don't know what's going on.</p> <p>4 Q. Were you fired from Arizona Charlie's?</p> <p>5 A. They terminated me.</p> <p>6 Q. What was the basis of their termination?</p> <p>7 A. I don't know.</p> <p>8 Q. Did they tell you?</p> <p>9 A. There's -- it's under investigation right now; so the EEOC -- and I was told not to discuss it.</p> <p>10 Q. Who's investigating it?</p> <p>11 A. The EEOC.</p> <p>12 Q. Upon your request?</p> <p>13 A. Yes.</p> <p>14 Q. And what did you ask the EEOC to investigate?</p> <p>15 A. I was told not to discuss. It's an open case.</p> <p>16 Q. I understand that, and I don't want the details of the investigation, but what complaint did you make to the EEOC?</p> <p>17 A. Retaliation.</p>

<p style="text-align: right;">Page 13</p> <p>1 Q. Retaliation. What was the retaliation 2 for?</p> <p>3 A. For the termination.</p> <p>4 Q. What were they retaliating for?</p> <p>5 A. It's an open case; so I don't really want 6 to discuss it.</p> <p>7 Q. But I think you can at least discuss your 8 complaints. I don't want any details of the 9 investigation, but just your complaint that you made 10 to the EEOC regarding the retaliation claim.</p> <p>11 A. I told the supervisor to leave me alone. 12 He didn't want to leave me alone; so he retaliated 13 and terminated me instead.</p> <p>14 Q. Why did you tell him to leave you alone?</p> <p>15 A. He was bothering me.</p> <p>16 Q. In what ways was he bothering you?</p> <p>17 A. I was told not to discuss it.</p> <p>18 Q. Again --</p> <p>19 A. It's an open case.</p> <p>20 Q. -- I just want the basis of your 21 complaint, not the investigation.</p> <p>22 A. He was bothering me.</p> <p>23 Q. In what ways was he bothering you?</p> <p>24 A. He was harassing me.</p> <p>25 Q. Sexually?</p>	<p style="text-align: right;">Page 15</p> <p>1 want to assert a privilege or instruct her to answer 2 this question. I personally don't see a privilege 3 issue. We're just asking for the basis for --</p> <p>4 MR. POTTER: I'm not familiar with the 5 issue. I mean, if you want me to talk to her, I can 6 go off the record and talk to her. It's not a case 7 we are involved with.</p> <p>8 MR. GATES: I understand. I think that 9 would be great, because I don't see a privilege 10 here, and she is under oath, and I think we need to 11 have some answers to the questions.</p> <p>12 MR. POTTER: So take a break. 13 (Off the record.)</p> <p>14 BY MR. BENSON:</p> <p>15 Q. Ms. Zaic, we just took a break so you 16 could speak with your attorney.</p> <p>17 What is the basis of your retaliation 18 charge against Arizona Charlie's?</p> <p>19 MR. POTTER: Just for the record, I'm 20 just going to object and instruct her to go ahead 21 and answer, but object on relevancy grounds, and 22 just ask for a continuing objection on that line of 23 questioning. She is prepared to answer.</p> <p>24 MR. BENSON: Okay.</p> <p>25 THE WITNESS: Can you repeat the</p>
<p style="text-align: right;">Page 14</p> <p>1 A. I was told not to discuss it.</p> <p>2 Q. Again, I just want the basis of your 3 complaint, which you are permitted to discuss. Your 4 attorney can object if there is a privilege to be 5 had.</p> <p>6 A. It's an open case; so that's my answer.</p> <p>7 Q. So you are refusing to answer the 8 question?</p> <p>9 A. No. That is my answer. It's an open 10 case.</p> <p>11 Q. I understand that.</p> <p>12 A. I'm not going to discuss it.</p> <p>13 Q. When you contacted the EEOC, what did you 14 allege the supervisor had done?</p> <p>15 A. Retaliate.</p> <p>16 Q. In what way?</p> <p>17 A. Harassment.</p> <p>18 Q. What type of harassment -- in what way 19 did the supervisor harass you?</p> <p>20 A. He harassed me.</p> <p>21 Q. Can you give me specifics on your 22 complaint?</p> <p>23 A. No. That's it. I cannot. It's an open 24 case.</p> <p>25 MR. BENSON: Cai, I don't know if you</p>	<p style="text-align: right;">Page 16</p> <p>1 question?</p> <p>2 BY MR. BENSON:</p> <p>3 Q. What is the basis of your retaliation 4 claim against Arizona Charlie's?</p> <p>5 A. Harassment.</p> <p>6 Q. What kind of harassment?</p> <p>7 A. It was just harassment, and then he 8 accused himself of sexually harassing me. He turned 9 it into sexual harassment, and then he terminated 10 me.</p> <p>11 Q. You said he accused himself?</p> <p>12 A. The supervisor.</p> <p>13 Q. What is his name?</p> <p>14 A. His name is Edward Kulik.</p> <p>15 Q. Can you spell that for us?</p> <p>16 A. E-d-w-a-r-d, K-u-l-i-k.</p> <p>17 Q. And you said he accused himself of sexual 18 harassment?</p> <p>19 A. Yeah. He said you're not going to accuse 20 Arizona Charlie's of sexually harassing you, and you 21 are going to get fired. Within three weeks, I was 22 written up -- within two weeks, I was written up 23 multiple times, unjustified.</p> <p>24 He kept writing me up for frivolous 25 things, and then they terminated me. So they</p>

<p style="text-align: right;">Page 17</p> <p>1 retaliated and terminated me. They turned an 2 anthill into a molehill and terminated me. 3 Q. What type of things were you written up 4 for? 5 A. Just insubordination or something. I 6 don't know. 7 Q. Why were you -- 8 A. I don't have the case in front of me. It 9 was over two years ago. 10 Q. Why did they say you were insubordinate? 11 A. Because I wouldn't allow Edward Kulik to 12 touch me and to harass me. I told him to leave me 13 alone. He said, "I'm your boss. I don't have to." 14 Q. In addition to the touching, was there 15 any other harassment? 16 A. Multiple write-ups, yes. They had 17 security -- they pulled me from the middle of my 18 shift. Had security suspended me for I don't know 19 any reason. I have no idea. And had security walk 20 me out to my car. For a suspension they don't do 21 things like that. They only have security walk you 22 out to try to intimidate me. Security only -- 23 you're supposed to walk out to the car when you're 24 terminated, not when you're suspended. 25 Q. When security walked you out to your car,</p>	<p style="text-align: right;">Page 19</p> <p>1 A. The end of 2007 to -- yes, the middle of 2 2008. I worked there ten months. 3 Q. So approximately June 2008? 4 A. Correct, yes. 5 Q. What shift did you work while at 6 Arizona Charlie's? 7 A. Extra board. 8 Q. Now, from 2008 until you got a -- from 9 being fired at Arizona Charlie's until you begin 10 working for the Tuscany towards the end of 2010, 11 what did you do for employment? 12 A. Unemployment. 13 Q. Did you look for any jobs? 14 A. Yes. I might have worked in between 15 then. I don't remember. Yes, I did. I looked for 16 jobs. 17 Q. Prior to Arizona Charlie's in 2007, what 18 was your employment before then? 19 A. I don't recall. I worked at 20 Barbary Coast. 21 Q. When did you work at the Barbary Coast? 22 A. 2003 or -- I don't have the correct -- I 23 worked there for eight years, seven and a half 24 years. I don't have the approximate dates. I don't 25 have them with me. It was a long -- it was like</p>
<p style="text-align: right;">Page 18</p> <p>1 why did they remove you from the premises? 2 A. Insubordination, I don't know. I don't 3 have that -- I don't have -- it was a suspension. I 4 don't know. I don't remember. I don't recall. I 5 have it all -- it's at home. 6 Q. Is there anything else regarding your 7 claim to the EEOC that we have not discussed today? 8 A. Not that I recall. 9 Q. So correct me if I'm wrong, basically 10 your allegations is that you were written up 11 multiple times for insubordination without cause and 12 later fired? 13 A. Correct. 14 Q. Did you ever make any complaints of 15 sexual harassment? 16 A. I don't recall. 17 Q. Did you make any complaints to your 18 employers at Arizona Charlie's? 19 A. I don't recall. 20 Q. What would help you recall that? 21 A. I don't recall. I'd have to review the 22 case. 23 Q. You indicated you worked for 24 Arizona Charlie's from 2007 to 2008; is that 25 correct?</p>	<p style="text-align: right;">Page 20</p> <p>1 over ten years ago; so I don't know. 2 Q. Do you recall when you stopped working at 3 Barbary Coast? 4 A. Approximately 2000 -- no, I don't. 5 Q. Did you work at the Barbary Coast in 6 2007? 7 A. No, I did not. 8 Q. Did you work at the Barbary Coast in 9 2006? 10 A. No, I did not. 11 Q. Did you work at the Barbary Coast in 12 2005? 13 A. No, I did not. 14 Q. Did you work at the Barbary Coast in 15 2004? 16 A. No, I did not. It was probably 17 approximately -- probably approximately '95 to 2003, 18 approximately. Maybe a year or two off, or a few 19 years off. 20 Q. What was your job at the Barbary Coast? 21 A. Cocktail waitress. 22 Q. And why did you leave the Barbary Coast 23 in 2002 or 2003? 24 A. They terminated me. 25 Q. Why did they terminate you?</p>

<p style="text-align: right;">Page 21</p> <p>1 A. I don't recall. It was too long ago. I 2 don't remember.</p> <p>3 Q. Who was your supervisor at the time?</p> <p>4 A. I don't -- I don't even recall.</p> <p>5 Q. Is there anything that would help you 6 remember the reasons you were terminated?</p> <p>7 A. I think they wrote me up for -- what was 8 it? -- for arguing with another cocktail waitress or 9 something. There was something that happened off 10 shift while we were clocked out or something. I 11 don't even know. The supervisor -- the manager 12 didn't terminate me. HR did; so I have no clue. I 13 don't even know.</p> <p>14 Q. Did you have any other write-ups while 15 you were working at Barbary Coast?</p> <p>16 A. I don't recall. It was too long ago.</p> <p>17 Q. Did you file a complaint against the 18 Barbary Coast?</p> <p>19 A. Grievance.</p> <p>20 Q. Grievance? What did you allege in your 21 grievance.</p> <p>22 A. I don't recall. I put in there that I 23 was terminated and I don't know why, at that time.</p> <p>24 Q. Whatever happened with that grievance?</p> <p>25 A. It never went anywhere.</p>	<p style="text-align: right;">Page 23</p> <p>1 A. Not as of today, I don't. Not right now. 2 Q. What do you mean by "not right now"?</p> <p>3 A. I don't have any complaints against them. 4 I'm on the extra board.</p> <p>5 Q. If you call back after June 1st and they 6 say they don't have a position for you, would you 7 file a complaint?</p> <p>8 MR. POTTER: Objection; calls for 9 speculation.</p> <p>10 THE WITNESS: I don't know. No. I have 11 no idea. If they say there is no work for me, then 12 that means there's no work for me that day. Maybe 13 there will be another day. They've never given me a 14 termination slip; so I don't know.</p> <p>15 BY MR. BENSON:</p> <p>16 Q. From the time you left the Barbary Coast 17 in 2003 until Arizona Charlie's in 2007, did you do 18 anything for employment?</p> <p>19 A. I don't recall. No.</p> <p>20 Q. How did you live during that time?</p> <p>21 A. My savings, and also lived with my 22 father.</p> <p>23 Q. Any other ways you paid your bills 24 besides your savings and living with your father?</p> <p>25 MR. POTTER: Objection; relevancy.</p>
<p style="text-align: right;">Page 22</p> <p>1 Q. Did you ever file any types of complaints 2 against the Tuscany?</p> <p>3 A. Yes.</p> <p>4 Q. What did you file with them?</p> <p>5 A. The Department of NERC, Nevada Equal 6 Rights Commission, has an age discrimination with 7 them.</p> <p>8 Q. So you feel you were discriminated based 9 on your age?</p> <p>10 A. I was terminated because of my age. 11 That's what I feel.</p> <p>12 Q. Whatever happened to that case?</p> <p>13 A. It's an open case.</p> <p>14 Q. Did you file any complaints against 15 Casino Royale?</p> <p>16 A. No.</p> <p>17 Q. Do you feel wronged by being released 18 from Casino Royale?</p> <p>19 A. I'm not released. They just said to call 20 back after the 1st. They never gave me a 21 termination slip.</p> <p>22 Q. But you have no complaints against them?</p> <p>23 A. I'm on the extra board.</p> <p>24 Q. But you have no complaints against 25 Casino Royale?</p>	<p style="text-align: right;">Page 24</p> <p>1 THE WITNESS: I don't have any bills. 2 BY MR. BENSON:</p> <p>3 Q. So from 2003 to 2007, you lived off your 4 savings and lived with your father?</p> <p>5 A. Correct.</p> <p>6 Q. And you didn't have any employment during 7 that time?</p> <p>8 A. Not that I can recall, no. I was -- no, 9 I didn't have any employment.</p> <p>10 Q. Prior to the Barbary Coast, where did you 11 work?</p> <p>12 A. It's going back a long time, but I think 13 I worked at the Union Plaza.</p> <p>14 Q. What years did you work at the 15 Union Plaza?</p> <p>16 A. I don't recall.</p> <p>17 Q. Do you recall why you left the 18 Union Plaza?</p> <p>19 A. I quit.</p> <p>20 Q. Why did you quit?</p> <p>21 A. I didn't like the clientele downtown. I 22 didn't like the environment. I didn't like the 23 dangerous -- it was dangerous down there. I didn't 24 like it.</p> <p>25 Q. Do you have any specific experiences that</p>

<p>1 made you not like it down there?</p> <p>2 A. Not at all. I just don't like it. I</p> <p>3 just don't like being around that environment down</p> <p>4 there.</p> <p>5 Q. What do you mean by "that environment"?</p> <p>6 A. There's a lot of homeless people walking</p> <p>7 around. There's a lot of -- it's not my -- I just</p> <p>8 didn't like it at all, that environment, those type</p> <p>9 of people down there.</p> <p>10 It's a different type of clientele. I</p> <p>11 mean, living off of people's Social Security checks</p> <p>12 every month. I think he owned the El Cortez also,</p> <p>13 and he -- you know, the senior citizens would go in</p> <p>14 there and -- it's just a bad environment. I didn't</p> <p>15 like it. I didn't like the clientele.</p> <p>16 Q. You said "he" during your answer. Who do</p> <p>17 you mean by he?</p> <p>18 A. The owner, Jackie Gaughan. At that time,</p> <p>19 he was the owner. I don't know who owns it now. I</p> <p>20 don't even know if they're still open.</p> <p>21 Q. Do you have any complaints against the</p> <p>22 Union Plaza?</p> <p>23 A. No.</p> <p>24 Q. Did you file any grievance or type of</p> <p>25 complaints with any agency?</p>	<p>Page 25</p> <p>1 Q. How long did you work there for?</p> <p>2 A. Until I was -- maybe about a month or so.</p> <p>3 Q. Did you ever get written up for anything</p> <p>4 while --</p> <p>5 A. Approximately. No, never.</p> <p>6 Q. Did you ever make any complaints?</p> <p>7 A. Never. My boss was nice.</p> <p>8 Q. And then before the Horseshoe you worked</p> <p>9 at O'Sheas?</p> <p>10 A. I think I worked at the Excalibur, but I</p> <p>11 don't remember if that was before or after. The</p> <p>12 union would dispatch me out to these places, so --</p> <p>13 Excalibur, I remember I worked there.</p> <p>14 Q. Do you recall what year you worked at the</p> <p>15 Excalibur?</p> <p>16 A. No. It was like 20 years ago. I don't</p> <p>17 know.</p> <p>18 Q. Then you also worked at O'Sheas?</p> <p>19 A. Yes. Two years.</p> <p>20 Q. Were you fired from the Excalibur or</p> <p>21 O'Sheas?</p> <p>22 A. Not the Excalibur. I was not fired from</p> <p>23 there.</p> <p>24 Q. Were you fired from O'Sheas?</p> <p>25 A. Yes.</p>
<p>1 A. No.</p> <p>2 Q. Did you file any complaints with your</p> <p>3 supervisors?</p> <p>4 A. No. My supervisors were nice.</p> <p>5 Q. How many years did you work at the</p> <p>6 Union Plaza?</p> <p>7 A. I don't even recall. Probably maybe a</p> <p>8 year if even that, maybe less, a couple months. I</p> <p>9 don't recall, though.</p> <p>10 Q. I know we are getting back there now.</p> <p>11 Prior to the Union Plaza, do you recall</p> <p>12 where you worked?</p> <p>13 A. I worked at O'Sheas -- oh, wait, prior to</p> <p>14 the Union Plaza, I worked Horseshoe.</p> <p>15 Q. Were you a cocktail waitress there?</p> <p>16 A. Yes.</p> <p>17 Q. Why did you leave the Horseshoe?</p> <p>18 A. I quit.</p> <p>19 Q. Why did you quit?</p> <p>20 A. I didn't like the environment, clientele.</p> <p>21 Q. What do you mean by that? What do you</p> <p>22 mean by you didn't like the clientele?</p> <p>23 A. I don't like the type of people that had</p> <p>24 to hang out in that casino. I was young. I didn't</p> <p>25 like it.</p>	<p>Page 26</p> <p>1 Q. Why were you fired --</p> <p>2 A. It was the same owner, O'Sheas and the</p> <p>3 Flamingo. I don't know if they had me working at</p> <p>4 the Flamingo or O'Sheas. I don't know what they put</p> <p>5 it under.</p> <p>6 Q. Why were you fired from there?</p> <p>7 A. I don't recall. It was something</p> <p>8 frivolous like arguing with another cocktail</p> <p>9 waitress and we both were terminated.</p> <p>10 Q. Do you recall what year this was?</p> <p>11 A. I don't recall. It was over 20 years</p> <p>12 ago.</p> <p>13 Q. Did you file any complaints over that</p> <p>14 termination?</p> <p>15 A. Just with the union.</p> <p>16 Q. What did the union do about it?</p> <p>17 A. Nothing.</p> <p>18 Q. What was your complaint?</p> <p>19 A. I don't know. It was 20 years ago. I</p> <p>20 was -- I have no idea. I don't recall. I -- it's</p> <p>21 past.</p> <p>22 Q. Have you filed any other complaints with</p> <p>23 the union other than the one from O'Sheas and the</p> <p>24 Flamingo?</p> <p>25 A. I don't recall. No. I don't recall, no.</p>

<p style="text-align: right;">Page 29</p> <p>1 Q. I appreciate you scanning your memory for 2 all these employments. Is there any other 3 employment you have had -- we just talked about the 4 Excalibur, O'Sheas, and Flamingo.</p> <p>5 Any other employment that you can recall?</p> <p>6 A. You want all of my employment? I worked 7 at the El Rancho Casino when I was like 18 as a 8 valet parker. I worked at Imperial Palace probably 9 around when I was like 20, probably, 19, maybe 19, 10 18 as a busgirl. I worked at the La Mirage Casino 11 as a cocktail waitress. I worked at a few beauty 12 salons as a manicurist. I worked at Kentucky Fried 13 Chicken when I was 16 for a few weeks. And there 14 might be other employment in there, but I don't 15 recall.</p> <p>16 Q. And in working for the La Mirage, 17 Imperial Palace, El Rancho, KFC, or the beauty 18 salons, were you ever fired from any of those 19 employments?</p> <p>20 A. No.</p> <p>21 Q. Did you file any complaints against any 22 of those employers?</p> <p>23 A. No.</p> <p>24 Q. Are you married?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 31</p> <p>1 A. Not right now. 2 Q. Why not right now? 3 A. She doesn't call me. 4 Q. When was the last time you talked to your 5 mother? 6 A. A few months back, maybe over -- maybe 7 longer. I don't really recall -- 8 Q. Why doesn't she call you? 9 A. Probably in November. 10 MR. POTTER: Objection; calls for 11 speculation. 12 BY MR. BENSON: 13 Q. Do you know why she does not call you? 14 A. I don't know. 15 Q. Has she ever told you? 16 A. Maybe because my brothers are telling her 17 not to, maybe. 18 Q. Has your mother ever told you? 19 A. No. 20 Q. Has she ever voiced any concerns? 21 A. I think she did tell me. I think she did 22 say my brothers told her not to. I don't recall. 23 Q. Is your mother afraid of you? 24 A. No. 25 Q. Have you ever heard somebody tell you</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. Do you have any kids?</p> <p>2 A. No.</p> <p>3 Q. Do you have other family that lives in 4 Las Vegas?</p> <p>5 A. Yes.</p> <p>6 Q. And who lives in Las Vegas?</p> <p>7 A. My mother and my two brothers.</p> <p>8 Q. And what are their names?</p> <p>9 A. My mother's name is Marilyn Zaic. My 10 brothers' names are Lewis Zaic, same last name as mine, and Steve Zaic.</p> <p>11 Q. What is your relationship with your 12 mother?</p> <p>13 A. She's my mother.</p> <p>14 Q. What is your current relationship as far 15 as interactions, social, visiting, type of 16 relationship?</p> <p>17 A. We have our ups and downs.</p> <p>18 Q. What do you mean by you have your ups and 19 downs?</p> <p>20 A. We don't see eye to eye on a lot of things, but she is still my mother.</p> <p>21 Q. Do you talk to her?</p> <p>22 A. Every so often.</p> <p>23 Q. What do you mean by "every so often"?</p>	<p style="text-align: right;">Page 32</p> <p>1 your mother's afraid of you?</p> <p>2 A. No. My mother told me she's not afraid 3 of me.</p> <p>4 Q. Have your brothers ever indicated that 5 Marilyn is afraid of you?</p> <p>6 A. No.</p> <p>7 Q. If one of your brothers said that your 8 mother was afraid of you, would you disagree with 9 that statement?</p> <p>10 A. Absolutely, I would disagree.</p> <p>11 Q. What is your relationship with Lewis?</p> <p>12 A. We don't talk.</p> <p>13 Q. Why don't you talk?</p> <p>14 A. Because he doesn't want to talk to me.</p> <p>15 Q. Why doesn't he want to talk to you?</p> <p>16 A. I don't know.</p> <p>17 MR. POTTER: Objection; speculation.</p> <p>18 BY MR. BENSON:</p> <p>19 Q. Has he ever told you why he doesn't talk 20 to you?</p> <p>21 A. He doesn't come around. He never came 22 around, even when my dad was alive. He never talked 23 to us. He distanced himself. He said his 24 psychiatrist told him to distance himself.</p> <p>25 Q. Have you ever had any issues with Lewis?</p>

<p style="text-align: right;">Page 33</p> <p>1 A. Just like any other brother and sister 2 relationship.</p> <p>3 Q. Have you ever filed any complaints 4 against him?</p> <p>5 A. I -- actually, they came to me, but I 6 didn't go to them.</p> <p>7 Q. Who is they --</p> <p>8 A. Internal affairs.</p> <p>9 Q. Internal affairs for who?</p> <p>10 A. The police department.</p> <p>11 Q. What did they come to you about?</p> <p>12 A. Battery, domestic violence. They came to 13 me. So no, I didn't go to them to file a complaint 14 against my own brother.</p> <p>15 Q. You have never made any allegations 16 against him?</p> <p>17 A. Oh, I put a TPO -- yes, that's a battery 18 domestic violence, and I also put a TPO on him.</p> <p>19 Q. When did you put a TPO on him?</p> <p>20 A. The day after my father died, passed 21 away --</p> <p>22 Q. Why did you do that?</p> <p>23 A. March 21st. Because Lewis beat me up, 24 and he threatened me. He threatened to kill me. 25 And I don't want him near the house. It's where I</p>	<p style="text-align: right;">Page 35</p> <p>1 A. I don't know.</p> <p>2 MR. POTTER: Objection; calls for 3 speculation.</p> <p>4 BY MR. BENSON:</p> <p>5 Q. You have never damaged his property?</p> <p>6 A. No. He damaged my property.</p> <p>7 Q. What did he damage?</p> <p>8 A. What did he damage -- there was another 9 one. He came and kicked my door in. I don't know 10 the date, but it was around that time after my 11 father passed, after I put the TPO on him. He 12 kicked my door in. His footprint was still on the 13 door. I called the police on him.</p> <p>14 Q. Did you take any pictures of that?</p> <p>15 A. The door? No, it's still broken. Anyone 16 can go take a picture of it. They still -- they own 17 one third of the house. They can fix it. They 18 broke it.</p> <p>19 Q. They own a third of the house?</p> <p>20 A. Yes.</p> <p>21 Q. And do they live in the house?</p> <p>22 A. No.</p> <p>23 Q. Just you live in the house?</p> <p>24 A. Yes.</p> <p>25 Q. Do they allow you to live in the house?</p>
<p style="text-align: right;">Page 34</p> <p>1 live. And he came in there, forced himself in 2 there, and he didn't have a legal right to be there.</p> <p>3 Q. Any other complaints you have ever made 4 against Lewis?</p> <p>5 A. Not that I can recall, just the -- just 6 the TPOs, one in Justice Court, one in Family Court, 7 at the same time. Those are the same. And the 8 battery domestic violence, and that's it that I can 9 recall.</p> <p>10 Q. Have you ever damaged any of his 11 property?</p> <p>12 A. No.</p> <p>13 Q. So you and Lewis don't talk; is that 14 correct?</p> <p>15 A. No. His choice.</p> <p>16 Q. So if Lewis said, quote, She makes up 17 allegations and they are investigated and founded to 18 be unfounded, so the best thing I can do is stay 19 away.</p> <p>20 Have you ever heard him say that?</p> <p>21 A. No.</p> <p>22 Q. Would you disagree with his statement?</p> <p>23 A. I would disagree with his statement.</p> <p>24 Q. If Lewis said you have damaged his 25 property, what does he mean by that?</p>	<p style="text-align: right;">Page 36</p> <p>1 A. Yes.</p> <p>2 Q. Do they require you to pay rent?</p> <p>3 A. No. It's my house.</p> <p>4 Q. But on their two-thirds that they own, 5 they don't require you to reimburse them for you 6 living in the house?</p> <p>7 A. No. I pay everything in the house. I 8 pay all the upkeep of the house.</p> <p>9 Q. But they don't require you to pay rent to 10 them?</p> <p>11 A. No. It's my house. I don't know how 12 that makes -- that makes no sense, pay rent to them 13 when I own one-third of the house. They own 14 two-thirds. They can move into their two-thirds if 15 they want. Their two-thirds is vacant, as far as 16 I'm concerned. No, they've never asked me to pay 17 rent.</p> <p>18 Q. What is your relationship with 19 Steve Zaic?</p> <p>20 A. He's my brother.</p> <p>21 Q. Do you talk with him?</p> <p>22 A. Yes.</p> <p>23 Q. When was the last time you talked with 24 him?</p> <p>25 A. Yesterday.</p>

<p style="text-align: right;">Page 37</p> <p>1 Q. What did you talk about? 2 A. He went and brought me to pick up my 3 paycheck. 4 Q. Did you guys talk about this case? 5 A. We don't discuss this case, no. 6 Q. Are -- do you -- how often do you talk 7 with Steve during the week? 8 A. Maybe a few times a week. We used to 9 talk more. We used to talk every day, and then we 10 don't anymore. He became busy. He got his juice 11 bar, and then he became too busy; so he didn't talk 12 every day. 13 And then he doesn't have his juice bars 14 and -- anymore; so we talk every so often. We had 15 our falling out, just like brothers and sisters do; 16 so we wouldn't talk for a while, maybe a couple 17 weeks, maybe a few months, then we talk again. 18 Q. What do you mean you had a falling out? 19 A. We had a disagreement. 20 Q. Over what? 21 A. I don't recall. 22 Q. How long ago was this? 23 A. We had a disagreement over -- well, the 24 last disagreement we had was -- argument was with 25 his girlfriend, Danielle.</p>	<p style="text-align: right;">Page 39</p> <p>1 you begin talking to him again? 2 A. Yes. 3 Q. Have you ever made any allegations 4 against your brother Steve? 5 A. I don't recall. 6 Q. Have you ever made a police report 7 against him? 8 A. I don't recall. 9 Q. What would help you recall? 10 A. Probably nothing, because I don't 11 remember if I made a police report against him or 12 not. Oh, I -- I think -- I don't remember for sure, 13 but I think his name was included in that -- when 14 they came and kicked my door in. I don't know what 15 that's called, breaking and entering or something. 16 They just did it to scare me. 17 Q. What did Steve do? 18 A. They both were there. They kicked my 19 door in. 20 Q. What else did they do? 21 A. And then they left. They kicked it in to 22 scare me and then they ran, got in their car and 23 left. They just wanted to scare me. 24 Q. Did you see them? 25 A. No. I did not see them. It's my own</p>
<p style="text-align: right;">Page 38</p> <p>1 Q. Back in 2008? 2 A. Correct. 3 Q. What was your relationship like with your 4 brother in March of 2008? With your brother Steve? 5 A. Well, we talked and -- but we did -- we 6 talked, but we didn't really communicate. Prior to 7 that we weren't talking. Prior to my dad being in 8 the hospital, we weren't talking. So when my dad 9 went into the hospital, we started talking. 10 Q. So prior to your dad in the hospital, how 11 long had it been before you talked -- how long had 12 it been that you had not talked to your brother 13 Steve? 14 A. I don't recall. 15 Q. A year? 16 A. Possibly. 17 Q. Two years? 18 A. I don't recall. 19 Q. Could it have been three years? 20 A. I don't think it was that long, but it 21 could have been. 22 Q. So it could have been upwards of three 23 years. Could it have been four years? 24 A. I don't recall. 25 Q. So when your father went in the hospital,</p>	<p style="text-align: right;">Page 40</p> <p>1 brothers. I can sense my own brothers. It was 2 them. If it was a burglary, they would have took 3 something or, you know, they would have -- they 4 would have took what they were after. They didn't 5 take nothing. They just kicked the door in, and I 6 screamed, and they left. 7 Q. So you were at home when the door was 8 kicked in? 9 A. Yes. They knew I was home because my car 10 was there, my truck was there. 11 Q. And after it was kicked in, you screamed? 12 A. After I heard the door, yes. 13 Q. And -- 14 A. Well, I was silent, and then I called 15 their names, and then -- yeah, I screamed. I heard 16 the door being kicked in. I screamed. Somebody 17 was -- kicked the door in. 18 Q. Did you scream right when the door was 19 kicked open? 20 A. I believe so. 21 Q. And right then they ran? 22 A. I don't know if they ran. I didn't see 23 them run, but they left. That's what the neighbors 24 said. They seen two big guys. That's how I knew it 25 was my brothers also because they said they had seen</p>

<p style="text-align: right;">Page 41</p> <p>1 two big guys -- that's what they told the police -- 2 two tall guys run, get in a pickup truck, and drive 3 away.</p> <p>4 Q. And what were your neighbors' names? 5 A. I don't remember. They don't live there 6 anymore. They were -- lived across the street. I 7 don't remember his name. His name was -- wait a 8 minute. He wasn't there very long. I don't recall 9 his name. I didn't talk to them very often.</p> <p>10 Q. The house directly across from your 11 street?</p> <p>12 A. Yes. Somebody new is living there now. 13 They let it go into foreclosure.</p> <p>14 Q. Have you made any other allegations 15 against Lewis or Steve that we haven't talked about?</p> <p>16 A. Not that I can recall.</p> <p>17 Q. Where does Lewis currently live? 18 A. I don't know.</p> <p>19 Q. Does he live in Las Vegas? 20 A. I don't know.</p> <p>21 Q. When was the last time you saw Lewis? 22 A. During the preliminary hearings for my 23 criminal wiretapping.</p> <p>24 Q. What did Lewis say -- 25 A. Well, wait. I seen him -- no, that's the</p>	<p style="text-align: right;">Page 43</p> <p>1 just like what I'm saying. We're brother and 2 sister. We have our ups and downs. He didn't say. 3 He just said that he's -- he said he's -- not during 4 the hearing but at another time -- I think before 5 that he said -- maybe after that, I don't recall. 6 However, he did say that he's getting 7 help. He's on -- he was on -- the drugs -- on 8 drugs, and drugs made him act the way he did, and 9 he's getting help now, and he's in the 12-step 10 program, and he's in -- he's getting help for his 11 problems.</p> <p>12 Q. So your brother Lewis was on drugs? 13 A. Yes. And it started out as prescription 14 drugs and then -- or started out as recreation. 15 Then he would get prescriptions, and that's what he 16 said. I don't really know.</p> <p>17 Q. And what -- when did he say this to you? 18 A. I don't know if it was before -- I think 19 it was after I put the TPO on him.</p> <p>20 Q. So sometime after your father -- 21 A. It was after. It was definitely after my 22 father passed.</p> <p>23 Q. Was it after the preliminary hearing? 24 A. I don't recall.</p> <p>25 Q. Was it --</p>
<p style="text-align: right;">Page 42</p> <p>1 last time. I don't -- I might have seen him after 2 that, but I don't recall. That's the last time I 3 remember seeing him.</p> <p>4 Q. Why was he at that preliminary hearing? 5 A. To testify against me.</p> <p>6 Q. So he testified against you at that 7 hearing?</p> <p>8 A. Yes.</p> <p>9 MR. POTTER: I'm going to object to the 10 line of questions that dealt with the hearing.</p> <p>11 BY MR. BENSON:</p> <p>12 Q. What did he say at that hearing? 13 A. He testified that that was my voice on 14 the tape recording. He confirmed that it was my 15 voice. That was -- that's what he was there to do.</p> <p>16 Q. Did he ever at that hearing say why he 17 didn't talk to you anymore?</p> <p>18 MR. POTTER: Objection; relevancy.</p> <p>19 THE WITNESS: I didn't talk to him after 20 the hearing. I didn't talk to him before the 21 hearing. I didn't talk to him after the hearing.</p> <p>22 BY MR. BENSON:</p> <p>23 Q. Did he state in his testimony why he 24 didn't talk to you anymore?</p> <p>25 A. He said he doesn't know. He just said</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Maybe. 2 Q. Was it in 2008? 3 A. I don't recall. I believe it was after 4 2008. It was after he was terminated from the 5 police department or after he doesn't work there no 6 more. I don't know why. I don't know. Whenever he 7 was gone from the police department, retired, 8 terminated. I don't know. Forced into early 9 retirement, I don't know his situation. It was 10 after that, though.</p> <p>11 Q. Ms. Zaic, your complaint makes some 12 allegations against police officers; so I need to 13 ask some questions about you and your family's 14 interactions with police officers.</p> <p>15 Have you ever been arrested for a felony?</p> <p>16 A. Yes.</p> <p>17 Q. When -- how many times have you been 18 arrested?</p> <p>19 A. Twice, including the reason that we're 20 here today, so twice.</p> <p>21 Q. So one of your arrests was for the 22 incident we are here for today.</p> <p>23 What was the other incident about?</p> <p>24 MR. POTTER: I will object to the other 25 incident. It's been the basis of the motion to stay</p>

<p style="text-align: right;">Page 45</p> <p>1 and instruct her not to answer any questions 2 concerning it. It's a pending case is what she is 3 referring to. 4 BY MR. BENSON: Q. I don't want to get into any confidential, private information. What allegations were made against you on the basis of that arrest? 9 MR. POTTER: I will instruct her not to 10 answer. 11 BY MR. BENSON: Q. Are you going to heed your Counsel's instruction? 14 THE WITNESS: Yes. 15 MR. TYLER: Cal, if I have the written 16 charges, could she just confirm those are the 17 charges? 18 MR. POTTER: I mean, if you've got 19 something in writing. 20 MR. BENSON: Thank you. 21 MR. POTTER: I think -- I -- these are 22 the charges, but I think it's actually been 23 transferred to another department. As we discussed 24 earlier, sometimes they move -- 25 MR. BENSON: Can we mark it as Exhibit 1,</p>	<p style="text-align: right;">Page 47</p> <p>1 MR. POTTER: Same objection. I mean, the 2 document speaks for itself. 3 MR. BENSON: Are you instructing her not 4 to answer? 5 MR. POTTER: Yes. 6 BY MR. BENSON: Q. Are you going to abide by Counsel not to answer? 9 A. Yes. Q. This criminal case doesn't have anything to do with your current case, does it? 12 MR. POTTER: I will instruct her not to 13 answer because it calls for specific information 14 concerning this case; this case, meaning, the 15 criminal case that's pending. 16 BY MR. BENSON: Q. Is the pending -- I just want to make sure, you know, because we have been arguing over this in hearings -- is the pending criminal case regarding anything that happened in the hospital? 21 A. I think it is. Q. What do you mean by you think it is? 23 MR. POTTER: I'm going to object as to 24 what her beliefs are under the pending criminal 25 case.</p>
<p style="text-align: right;">Page 46</p> <p>1 please. 2 THE REPORTER: 1 or A? 3 MR. BENSON: Do A. 4 (Whereupon, Exhibit A was 5 marked for identification.) 6 BY MR. BENSON: Q. Ms. Zaic, I'm handing you what has been marked as Exhibit A, which is from the District Court regarding an active criminal case involving you. 11 Is it true that you would have been arrested that second time for attempt under NRS 193.330, for obtaining and using personal ID info pursuant to 205.463, for the interception of wire slash radio communication under NRS 200.620, and for penalties for wire slash oral communication intercept under NRS 200.690? 18 MR. POTTER: I'm going to object to the form of the question. 20 You can state whether you have been arrested, but on the basis of what the allegations are, I don't want you to comment on the allegations. 23 BY MR. BENSON: Q. Were you arrested for obtaining and using personal ID info?</p>	<p style="text-align: right;">Page 48</p> <p>1 BY MR. BENSON: Q. Other than the current pending arrest, the arrest in 2008 that's the subject of this complaint, have you ever been arrested? 5 A. No. 6 Q. So just those two times? 7 A. Yes. 8 Q. Has any of your friends or, quote, family been arrested? 10 A. No, not that I'm aware of. 11 Q. You indicated -- 12 A. Well, Lewis -- I don't know if it's true. 13 They said Lewis was arrested for -- I don't know if they gave him a ticket or what, I don't know. But they said he was arrested for driving while under the influence of his medications or something. I don't know if he was. He tells stories a lot, so -- he likes lying. I don't know if he was arrested or they gave him a ticket. I don't know. 20 Q. Lewis told you this? 21 A. I don't remember who told me. I don't recall who told me, but it did come to my attention. 22 Either Steve or Lewis, one of them did. 24 Q. And Steve and Lewis are both -- were both police officers?</p>

<p style="text-align: right;">Page 49</p> <p>1 A. Yes.</p> <p>2 Q. Are either of them currently active</p> <p>3 police officers?</p> <p>4 A. No.</p> <p>5 Q. Them being police officers, how does that</p> <p>6 form your opinion of officers?</p> <p>7 A. I grew up liking them. They were the</p> <p>8 good guys.</p> <p>9 Q. But it changed --</p> <p>10 A. I became really interested in law. When</p> <p>11 I was a kid, a child, Steve would bring me to court.</p> <p>12 When he first became a police officer, was what, 23,</p> <p>13 24, 22 years old or something. I was like 17. He</p> <p>14 was four years older than me. He would bring me to</p> <p>15 court and when he would get subpoenaed into court, I</p> <p>16 would go into court and I'd sit there and listen.</p> <p>17 So I got a feel for the courtroom, and it</p> <p>18 was nice. It was interesting, you know. So I</p> <p>19 became interested in law.</p> <p>20 Q. Did you ever apply to be a police</p> <p>21 officer?</p> <p>22 A. No. Not that I recall, no.</p> <p>23 Q. Have you ever applied for employment with</p> <p>24 the police department?</p> <p>25 A. Not that I recall, but I might have</p>	<p style="text-align: right;">Page 51</p> <p>1 over. I don't even remember for what. Could be</p> <p>2 speeding, I don't know, something, I don't know.</p> <p>3 And I think he wanted me to sign the ticket or</p> <p>4 something. I don't remember. It was a very long</p> <p>5 time ago, and I don't even know what happened.</p> <p>6 I think he brought me to jail or</p> <p>7 something, but he didn't book me. I don't even</p> <p>8 know. It was so long ago. I think they towed my</p> <p>9 Corvette, but I don't -- I think I had a Corvette at</p> <p>10 the time. I don't know, it was so long ago, but</p> <p>11 yeah, there was one. I don't even remember his</p> <p>12 name.</p> <p>13 Q. Why did they take you to jail?</p> <p>14 A. I don't even remember if -- I wasn't</p> <p>15 booked; so I don't even know. For not signing a</p> <p>16 ticket, I think, for not signing a speeding ticket.</p> <p>17 And my brother said, Well, all speeding tickets you</p> <p>18 are supposed -- you can -- it's a jailable offense</p> <p>19 anyway. This is what they told me. It's a jailable</p> <p>20 offense, and police officers can take people to jail</p> <p>21 for speeding, but we never do.</p> <p>22 And he shouldn't have did that. He</p> <p>23 shouldn't have took you to jail. He should have</p> <p>24 just gave you the ticket, and you should go to</p> <p>25 internal affairs on him. That's what Lewis told me.</p>
<p style="text-align: right;">Page 50</p> <p>1 applied for some positions, maybe a clerk or</p> <p>2 something. I don't know. I don't recall.</p> <p>3 (Off the record.)</p> <p>4 BY MR. BENSON:</p> <p>5 Q. All right. Ms. Zaic, what is your</p> <p>6 current opinion of police officers?</p> <p>7 MR. POTTER: Objection; relevancy.</p> <p>8 Go ahead.</p> <p>9 THE WITNESS: The -- I don't have an</p> <p>10 opinion of them. They are doing the job. Some of</p> <p>11 them are good. Some of them are bad. Some of them</p> <p>12 are really good, and some of them should not be</p> <p>13 police officers. Either they are not properly</p> <p>14 trained, or they're just not cut out to be police</p> <p>15 officers.</p> <p>16 BY MR. BENSON:</p> <p>17 Q. Other than this incident that forms the</p> <p>18 basis of your complaint, have you ever had any bad</p> <p>19 interactions with police officers?</p> <p>20 A. Not that I can recall. There was one</p> <p>21 time -- I wouldn't call it a bad interaction. I</p> <p>22 don't even know what happened. I was on my way to</p> <p>23 work years ago when I was working at the</p> <p>24 Barbary Coast, probably like 15 years ago. I was on</p> <p>25 my way to work, and the police officer pulled me</p>	<p style="text-align: right;">Page 52</p> <p>1 He was an internal affairs person. He's the one</p> <p>2 that used to guide me. At that time, we were on</p> <p>3 talking terms, and he would tell me all about all</p> <p>4 that stuff. He's the one who told me to do that.</p> <p>5 Steve didn't -- he didn't mention internal affairs</p> <p>6 or nothing. That's how long ago that was.</p> <p>7 Q. Did you file -- go ahead.</p> <p>8 A. I think I did file.</p> <p>9 Q. You did file a complaint with internal</p> <p>10 affairs?</p> <p>11 A. I think so.</p> <p>12 Q. What did you allege? What was the basis</p> <p>13 of your complaint?</p> <p>14 A. I don't recall. That he took me to jail</p> <p>15 for speeding. I was really young. I don't even</p> <p>16 recall.</p> <p>17 Q. And you indicated earlier that you had</p> <p>18 refused to sign the ticket?</p> <p>19 A. I don't recall. I think I did. I think</p> <p>20 that's what it was. It was frivolous.</p> <p>21 Q. Do you recall how fast you were going</p> <p>22 when you were pulled over?</p> <p>23 A. No.</p> <p>24 Q. Were there any drugs or alcohol involved?</p> <p>25 A. No. And Steve came to pick me up; so I</p>

<p style="text-align: right;">Page 53</p> <p>1 think they did tow my car, or left it on the side of 2 the road, my Corvette. I don't remember the 3 specifics, but I remember Steve came to pick me up 4 from the jail, and then he got pulled over by one of 5 his police officers.</p> <p>6 He was a police officer at the time, and 7 he got pulled over and they asked him where he was 8 going in such a hurry. And he told them, Picking up 9 my sister. She's in jail. That's all I remember.</p> <p>10 I don't remember what happened with that ticket. I 11 don't remember if I paid it. I just don't even 12 remember.</p> <p>13 Q. So other than the incident about this 14 complaint and that prior incident with officers, any 15 other experience with the police that -- positive or 16 negative?</p> <p>17 A. There might have been, but I just don't 18 recall right now.</p> <p>19 Q. In 2008, was your father hospitalized?</p> <p>20 A. Yes.</p> <p>21 Q. When was he hospitalized?</p> <p>22 A. March 29 -- February 29th, 2008.</p> <p>23 Q. And how long was he hospitalized for?</p> <p>24 A. Until he passed away March 23rd, 23 days, 25 2008.</p>	<p style="text-align: right;">Page 55</p> <p>1 did you have any incidents or altercations or 2 problems with the hospital?</p> <p>3 A. Yes.</p> <p>4 Q. Were you ever asked to leave?</p> <p>5 A. Yes.</p> <p>6 Q. What type of incidents did you have with 7 them?</p> <p>8 A. Security guards were harassing me and 9 wouldn't let me be with my dad.</p> <p>10 Q. Did you ever have specific visiting hours 11 imposed on you?</p> <p>12 A. No.</p> <p>13 Q. So you were never told you can only visit 14 him on these days at this time?</p> <p>15 A. No.</p> <p>16 Q. Were you ever escorted out of the 17 hospital?</p> <p>18 A. Yes.</p> <p>19 Q. How many occasions?</p> <p>20 A. Several.</p> <p>21 Q. Why were you escorted out of the hospital 22 on several occasions?</p> <p>23 A. They wouldn't tell me. I asked them, and 24 they wouldn't tell me. They just said, You know 25 why.</p>
<p style="text-align: right;">Page 54</p> <p>1 Q. During that time in the hospital, how 2 often would you visit your father?</p> <p>3 A. Every day.</p> <p>4 Q. Who else would visit your father?</p> <p>5 A. My two brothers, and my mother was there 6 because my two brothers brought her there. She 7 didn't drive there by herself.</p> <p>8 Q. Anybody else visit her -- him? Excuse 9 me.</p> <p>10 A. No.</p> <p>11 Q. Did he have any friends that would come 12 visit him?</p> <p>13 A. We didn't let anybody know.</p> <p>14 Q. You didn't let anybody know about his 15 hospitalization?</p> <p>16 A. No, no. No friends came to visit.</p> <p>17 Q. What was he hospitalized for?</p> <p>18 A. My dad's friends were his family. Children were his best friends.</p> <p>19 Q. What was your father hospitalized for?</p> <p>20 A. It was tests. It was just supposed to 21 get tests. I don't know. They brought him there, 22 and he told them not to bring him there, and they 23 did anyways, the ambulance.</p> <p>24 Q. While your father was in the hospital,</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. And if you need a break, feel free to 2 stop, and we can take a break. I know this is --</p> <p>3 MR. POTTER: Do you want some water?</p> <p>4 THE WITNESS: (Witness shakes head.)</p> <p>5 BY MR. BENSON:</p> <p>6 Q. So when you were asked to leave the 7 hospital, they never indicated why?</p> <p>8 A. No. Because they threatened me. They 9 said we're going to have you arrested. They 10 wouldn't let me be with my dad.</p> <p>11 Q. Did you ever yell at anyone in the 12 hospital?</p> <p>13 A. No.</p> <p>14 Q. Did you ever use profanity towards anyone 15 in the hospital?</p> <p>16 A. No.</p> <p>17 Q. Did you ever have a meeting with people 18 in the hospital where Metro showed up?</p> <p>19 A. Could you rephrase that?</p> <p>20 Q. Did you ever meet with anyone in the 21 hospital where Metro or the police officers were 22 there to keep the peace?</p> <p>23 A. Oh March 2nd.</p> <p>24 Q. What happened on March 2nd?</p> <p>25 A. There was supposed to be a family</p>

<p style="text-align: right;">Page 57</p> <p>1 meeting, and the doctor called a family meeting, 2 and -- because my dad almost died. They put a 3 pacemaker in him. And nobody wanted to talk. They 4 didn't do any tests on him or nothing. They just 5 put it in within him 15 minutes of being there. 6 Supposed to do tests, supposed to do days of testing 7 before you just put pacemakers in, and they didn't. 8 And there's complications, and he almost 9 died from the pacemaker that they shouldn't have put 10 in in the first place because something else was 11 wrong with him. He didn't need a pacemaker. The 12 nurse said probably -- she -- he didn't need a 13 pacemaker. If they would have done tests, they 14 would have known he didn't need a pacemaker. 15 And there was supposed to be a family 16 meeting with the doctor, and I called my brother and 17 told him there is going to be a family meeting at 18 11:00 tomorrow if you want to go. The doctor is 19 going to explain everything. So he says, Okay. So 20 then -- I forgot which brother I told, Lewis or 21 Steve. I don't recall which one I told. 22 And so I was waiting for them. I thought 23 everybody was okay, you know. My father was in the 24 hospital. I was waiting for them in the waiting 25 room there to come out of the elevator. I was</p>	<p style="text-align: right;">Page 59</p> <p>1 approached me, and he just -- he just said, We are 2 just here to keep the peace, that's it. That's all 3 he said. He said, That's all we're here for, just 4 to keep the peace, you know. They didn't really say 5 anything to me. 6 And then we had the family meeting, and 7 the police officers were waiting outside the door. 8 And then Lewis said after the meeting, I'm going to 9 release the police officers. But he wasn't even 10 working, Lewis. He was off duty, and he's not their 11 superior; so he doesn't have -- why should he 12 release them, so -- so that's what happened. Oh -- 13 Q. So the police -- 14 A. -- and okay. 15 Q. What were you going to say? 16 A. That's it. 17 Q. So the police officers came to the 18 March 2nd, 2008 family meeting to keep the peace? 19 A. That's what they told me they were there 20 for. 21 Q. Do you know who requested that they come? 22 A. No, I did not. Lewis did. 23 Q. Lewis requested that they come? 24 A. Yes. He's the one that released them. 25 He said he was going to release them. So if he's</p>
<p style="text-align: right;">Page 58</p> <p>1 waiting for them. 2 And all three of them, my mom and my two 3 brothers, come out of the elevator with two 4 uniformed police officers and the security guards, 5 if I remember correctly, the security guards. The 6 security guards were there. I don't remember if 7 they were in the elevator with them or not. I think 8 they all got out the elevator together. 9 And the security guard and police 10 officers were standing there talking to the security 11 guard. And the security guard said, We're going to 12 have you arrested. The security guards were 13 harassing me. 14 And then the police officer -- me and 15 Lewis got in an argument or something, and then the 16 police officers just -- this is -- if I can recall, 17 this is what happened -- the police officers didn't 18 really -- they were trying to like, let's -- they 19 didn't really know what was going on because they 20 were hearing one thing, me arguing with my brother. 21 This is what I felt. They were arguing -- me 22 arguing with my brother, and then the security 23 guards telling me they are going to have me 24 arrested. 25 Then the one police officer, you know, he</p>	<p style="text-align: right;">Page 60</p> <p>1 the one that releases them, then he's the one who 2 requested them. 3 Q. So your only knowledge on who requested 4 them is the fact that Lewis released them? 5 A. Yes. 6 Q. Any other basis on why Lewis requested 7 them other than that? 8 A. To harass me and maybe to -- that's it. 9 I don't know. I have no clue. I'm clueless. 10 Q. While your father was hospitalized, was 11 there a larceny ever reported against you? 12 A. Not that I'm aware of. 13 Q. Your brother never accused you of 14 stealing his phone? 15 A. I never received any complaint. A police 16 officer did go into my father's hospital room and 17 question me about that, and it was very brief, and I 18 said it was just me and my dad. My dad was awake at 19 that time, and I said, My dad is very sick. Can you 20 leave? And he just turned around and left and that 21 was it. 22 And I think somebody might have called me 23 on the phone; however, I don't recall. And that was 24 it. That's the only thing I heard about that. I 25 never read a complaint or anything. I've never</p>

<p style="text-align: right;">Page 61</p> <p>1 received a complaint. I've never been arraigned or 2 anything.</p> <p>3 Q. Did you take your brother's phone?</p> <p>4 A. No.</p> <p>5 Q. Now, after March 7th, did you ever refuse 6 to leave the hospital when asked?</p> <p>7 A. Not that I can recall.</p> <p>8 Q. Were you ever notified that you were in 9 the hospital during nonvisiting hours?</p> <p>10 A. I think the girl did say something like 11 that, one of the nurses. And they had 24-hour 12 visiting; so I didn't know what she was talking 13 about.</p> <p>14 Q. What did you say to her when she told you 15 it wasn't visiting hours?</p> <p>16 A. I just said -- she said, You're not 17 allowed to be here, I think, and I said, Why not? 18 Visiting hours start at 8:00. They only close one 19 hour out of the 24 hours from, I think it was 7:00 20 to 8:00 or 8:00 to 9:00, if I can remember 21 correctly. And I just got off work. I think I 22 said, It's 10:00 o'clock. So why isn't it visiting 23 hours?</p> <p>24 And she said, You're not allowed to be 25 here.</p>	<p style="text-align: right;">Page 63</p> <p>1 Q. Not on the 17th? Were you ever 2 trespassed?</p> <p>3 A. No. Not that I can -- I don't know what 4 that means. That means -- they kicked me out. I 5 don't know if that means trespass, but I was kicked 6 out.</p> <p>7 Q. Did they ever tell you you were being 8 trespassed?</p> <p>9 A. They never used that word, "trespassed." 10 They said "arrested." You come back here, we're 11 going to arrest you. We don't want you here. I 12 also -- yeah.</p> <p>13 Q. So they told you if you came back, you 14 would be arrested?</p> <p>15 A. Yes. I told him, They are hurting -- my 16 dad needs to be with me. And they became sarcastic. 17 Well, somebody is hurting your dad. You better call 18 the police.</p> <p>19 Q. Prior to the incident on March 21st, any 20 other problems at the hospital?</p> <p>21 A. There was. They wouldn't -- they 22 threatened to kick me out the day of my father's 23 operation.</p> <p>24 Q. What date was that?</p> <p>25 A. I believe his operation, March 10th.</p>
<p style="text-align: right;">Page 62</p> <p>1 I said, Why not?</p> <p>2 And then the next thing I know, security 3 came, and they kicked me out or something, and I 4 don't remember what happened. They kicked me out. 5 They handcuffed me in the parking lot. The police 6 came. They forced me to the ground. The police 7 came. The police acknowledged and seen me in 8 handcuffs.</p> <p>9 They put in the police logs that he seen 10 me in handcuffs, and PBX seen me in handcuffs, and 11 the police told me, Don't go there again. You come 12 back here, we're going to arrest you. We don't want 13 you here.</p> <p>14 Q. During that incident, were you agitated?</p> <p>15 A. I was numb.</p> <p>16 Q. Did you yell?</p> <p>17 A. No. I don't remember. I was crying. I 18 was hurt. He hurt me. He was jerking my arm out of 19 my socket. And my arm -- hands were all bruised 20 from the handcuffs.</p> <p>21 Q. Who is "he"?</p> <p>22 A. The security guard.</p> <p>23 Q. Did the officers ever put you in 24 handcuffs?</p> <p>25 A. Not on the 17th.</p>	<p style="text-align: right;">Page 64</p> <p>1 They threatened to kick me out on March 9th.</p> <p>2 Q. Why were they threatening to kick you 3 out?</p> <p>4 A. I don't know. They said, You better just 5 sit here and not say anything. He is going to get 6 the operation. I didn't want him to get it. I 7 wanted him to come home because that nurse wouldn't 8 know -- the doctor, one of the other doctors, said, 9 He doesn't have to get it. He can just go home. 10 And I want to take him home, and that doctors wanted 11 to operate.</p> <p>12 Q. So you didn't want him to have the 13 operation?</p> <p>14 A. No. I wanted him to come home.</p> <p>15 Q. Were you upset that they were operating?</p> <p>16 A. I don't know what I was. I wanted my dad 17 to get better.</p> <p>18 Q. Were you yelling at anyone because they 19 were operating?</p> <p>20 A. No, absolutely not. I would never -- I 21 was as calm as can be because I don't want to upset 22 my dad. My dad did not like conflicts. So we were 23 all very quiet around my dad, and I didn't want him 24 to know that anything was going wrong because he 25 would be hurt if he seen the way they were treating</p>

<p>1 his children. So I just wanted him to think 2 everything is okay and he's going to get better and 3 come home. I wanted him to heal.</p> <p>4 Q. So we have talked about March 2nd, 5 March 7th, March 9th, and March 17th.</p> <p>6 Any other conflicts at the hospital or 7 problems with the hospital?</p> <p>8 A. There was another problem. My brother 9 was there -- actually, both my brothers. I don't 10 recall the date. It was after March 17th. It was 11 between the 17th and the 21st. The one nurse would 12 not let me be there. Nurse Lizbeth Hamilton, she 13 would not let me be with my dad. The other nurses 14 would, but she would not let me be there when she 15 was his nurse.</p> <p>16 And -- and I think prior to that, my 17 brothers -- both my brothers talked to her, talked 18 to them and said, You know, she should be -- my 19 brothers wanted me there, because they couldn't be 20 there all the time. Lewis had to work, he said, and 21 Steve had his juice bars, and they wanted me there.</p> <p>22 And they told them at the hospital, Why 23 can't she be here? I don't know what the words they 24 said. I wasn't there. But they said that they 25 called up and they went there in person and they</p>	<p>Page 65</p> <p>1 Q. Where was that order posted? 2 A. It was posted on his door. 3 Q. And do you have copies of it? 4 A. Of the sign, no, not of the actual sign. 5 Q. Do you have copies of any order to that 6 effect? 7 A. It's in the doctor's notes, yes. 8 Q. And do you have those? 9 A. Not with me. 10 Q. But you do have them in your possession? 11 A. Yes. 12 Q. And who put that order into place? 13 A. Dr. Rebecca -- I believe it's Dr. Rebecca 14 Sinai, if I remember correctly. It might have been 15 a lead nurse, but I think it was a doctor.</p> <p>16 Q. Did there come a time when somebody who 17 wasn't family came into the room? 18 A. Yes. 19 Q. And when was that? 20 A. March 21st. 21 Q. And tell me what happened. 22 A. Danielle Pieper along with my brother 23 Steve Zaic came in. I was sitting at the bed, the 24 foot of my father's bed. And they both walked into 25 the room. And I never seen her before. He spoke</p>
<p>1 told them -- they literally -- my mom was there with 2 them. All three of them literally begged them to 3 let me in. They don't know why they won't let me 4 in. That's the story they told me.</p> <p>5 And that's what they put in their nurses' 6 notes also, that they were there trying to get me -- 7 allow me to be back there. She wouldn't let me be 8 there. And when I wasn't there, when she was his 9 nurse, bad things happened. But when the other ones 10 were his nurse, he got better. She would yell. She 11 said, Stop looking at the monitor. She yelled at 12 all three of us, my mom, my brother Steve. She 13 yelled at us, Stop looking at the monitor, the 14 heartbeat monitor. She yelled at the top of her 15 lungs.</p> <p>16 Q. Did you ever yell back at her? 17 A. No, never.</p> <p>18 Q. Were you at the hospital on March 21st, 19 2008?</p> <p>20 A. Yes.</p> <p>21 Q. And on that date, were there any orders 22 on who could visit your father?</p> <p>23 A. Yes.</p> <p>24 Q. What was that? 25 A. Family members only.</p>	<p>Page 66</p> <p>1 about her, but I've never met her before; so I knew 2 her name. And then -- and I knew what she did for a 3 living.</p> <p>4 And they came in, and I didn't want 5 anybody to see my dad like that, and I don't think 6 he -- he wouldn't want anybody to see him like that 7 either. I just felt that they were making a freak 8 show out of my dad and she shouldn't be there. He 9 wouldn't want her there. He was incapacitated. He 10 had a breathing tube down his throat, and she should 11 not have been there. Nobody should have been there 12 except his own immediate family members.</p> <p>13 You know, I even told the nurses. I 14 said, I don't want anybody in here, you know, only 15 family members. And she said, Well, we don't -- 16 we're the only hospital in town that has 24-hour 17 visiting, and we allow anybody in. We don't 18 restrict our patients, you know, people from coming 19 in. We're the only hospital in town that does that. 20 That's what she said. So she wouldn't stop her. 21 She allowed her in. They let them in.</p> <p>22 And I told my brother to have her leave, 23 and I told her to leave, and she wouldn't leave. 24 And the next thing I know, my brother come running 25 after me from the other side of the bed, and I ran</p>

<p style="text-align: right;">Page 69</p> <p>1 from him because he was coming after me, and we've 2 been in altercations in the past; so I know my 3 brother, and --</p> <p>4 MR. POTTER: You need, just for the 5 record, state which brother so I don't get confused 6 on brothers, your brother.</p> <p>7 THE WITNESS: Steve Zaic, and he chased 8 me to the door and tackled me to the ground. Not 9 tackled me, but I don't know just how he got me down 10 there, but he got me down there real fast like 11 police officers do. And the nurses came in the 12 room. They pulled him off of me, and I think -- I 13 don't remember who said it, But the police are on 14 their way or something. I don't know, and the 15 next -- I was arrested.</p> <p>16 BY MR. BENSON:</p> <p>17 Q. And Danielle Pieper was Steve Zaic's 18 fiancee; correct?</p> <p>19 A. That's what he said.</p> <p>20 Q. Did you have any reason not to believe 21 him?</p> <p>22 A. No.</p> <p>23 Q. You had heard about her before?</p> <p>24 A. Yes. Through my father.</p> <p>25 Q. What did your father say about her?</p>	<p style="text-align: right;">Page 71</p> <p>1 was the first thing you said? 2 A. Who is this? 3 Q. When Danielle and Steve walked into your 4 father's room, what is the first thing you said to 5 them?</p> <p>6 A. I don't remember. I think I said, Who is 7 this? Steve, who is this, or who are you? What are 8 you -- something to that effect.</p> <p>9 Q. And what did he respond?</p> <p>10 A. This is Danni, my girlfriend.</p> <p>11 Q. And what was your response to that?</p> <p>12 A. I don't remember the exact wording right 13 now, but I said, She's not allowed here. Only 14 family members are allowed here in dad's room.</p> <p>15 Q. And what was the tone of your voice?</p> <p>16 A. Stern. She's not allowed here.</p> <p>17 Q. Did you use any profanity?</p> <p>18 A. Not at that time, not during that 19 conversation, no.</p> <p>20 Q. Did you later use profanity?</p> <p>21 A. Yes.</p> <p>22 Q. When?</p> <p>23 A. After she would not leave.</p> <p>24 Q. What did you say to her?</p> <p>25 A. I think I said, Just get out.</p>
<p style="text-align: right;">Page 70</p> <p>1 A. Nothing. 2 Q. Had he met her before -- 3 A. They went to eat a few times, all three 4 of them, and he didn't say anything. 5 Q. So your father had been out to eat with 6 her? 7 A. The three of them. 8 Q. The three of them being your father, 9 Steve, and Danielle? 10 A. Yes. 11 Q. How many times had they gone out to 12 dinner? 13 A. I don't know. Three that I know of, 14 maybe, if even that. 15 Q. What else, if anything, did your father 16 say about Danielle? 17 A. I don't recall. He didn't used to say 18 much. His children are happy, then that's good 19 enough for him. 20 Q. And was Steve happy? 21 A. I don't know. I never discussed Danielle 22 with him. At that time we were not talking. I know 23 she's not his type. 24 Q. So when Danielle, who had been out to 25 dinner with your father, came into the room, what</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. What prof -- what kind of profanity did 2 you use? 3 A. I don't recall. 4 Q. Did you ever tell her to, Get the fuck 5 out of here, you don't belong here? 6 A. I might have. Yes, I think I did. 7 Q. So when they walk in the room -- 8 A. I said that after she wouldn't leave, 9 though. 10 Q. So when they walk in the room, how far is 11 the entrance of the door to where you are sitting on 12 the bed? 13 A. At the foot of the bed I was sitting. I 14 was sitting in the chair at the foot of the bed. 15 Approximately 20 feet, maybe. 16 Q. And when they walked in, did they always 17 stay near the door? 18 A. They weren't near the door, no. The door 19 was on the other side. 20 Q. So they walked to the other side of the 21 room? 22 A. They walked to my dad's bed, which was on 23 the -- near the end of the room. 24 Q. So when they walked to your dad's bed, 25 were they standing by his bedside?</p>

<p style="text-align: right;">Page 73</p> <p>1 A. Danielle was on one side and Steve was on 2 the other.</p> <p>3 Q. So was it Steve or Danielle that walked 4 by you to get to the other side of the bed?</p> <p>5 A. Steve.</p> <p>6 Q. So Steve was on the far side of the bed 7 from the door?</p> <p>8 A. Inside.</p> <p>9 Q. And Danni was on the side of the bed 10 closest to the door?</p> <p>11 A. Yes.</p> <p>12 Q. And what did they -- what did you say at 13 that point? Did you ever get up?</p> <p>14 A. Yes. As soon as they walked in the door, 15 I stood up.</p> <p>16 Q. Okay. And then you asked them to leave?</p> <p>17 A. Yes. No, I asked Danielle to leave, not 18 my brother. Because my dad would want him there 19 most definitely. I asked her to leave.</p> <p>20 Q. So you asked Danielle to leave, and they 21 refused?</p> <p>22 A. Yes.</p> <p>23 Q. And then they walked to his bedside?</p> <p>24 A. No. They were already there.</p> <p>25 Q. So they kind of walked in right to his</p>	<p style="text-align: right;">Page 75</p> <p>1 telling her to leave. So my brother stepped in, 2 started yelling at me. And then I seen him. He was 3 going to start coming from -- running after me; so I 4 ran.</p> <p>5 Q. And you indicated he chased you?</p> <p>6 A. Yes.</p> <p>7 Q. And he put you down on the ground like a 8 police officer would?</p> <p>9 A. Yes.</p> <p>10 Q. From the time they entered the room -- 11 they being Steve and Danielle -- until he put you on 12 the ground, how much time had passed?</p> <p>13 A. Can you repeat that?</p> <p>14 Q. How long were they in the room until he 15 put you on the ground?</p> <p>16 A. I don't recall. It was less than -- less 17 than -- less than five minutes.</p> <p>18 Q. Could it have been less than three 19 minutes?</p> <p>20 A. No. I don't recall.</p> <p>21 Q. So somewhere up to five minutes --</p> <p>22 A. It all happened really fast. Maybe, 23 yeah, it happened real fast as soon as they walked 24 in.</p> <p>25 Q. Once he put you on the ground, what</p>
<p style="text-align: right;">Page 74</p> <p>1 bedside as you were telling them to get out?</p> <p>2 A. Steve walked past me to one side, and 3 Danielle stood at the other side.</p> <p>4 Q. During this time did you --</p> <p>5 A. As I remember, I think -- I think that's 6 what happened, how they were standing.</p> <p>7 Q. During this time did you ever move 8 towards Danielle?</p> <p>9 A. We were -- we were close enough to talk.</p> <p>10 No, no.</p> <p>11 Q. Did you ever yell at Danielle?</p> <p>12 A. I yelled at her. I told her to leave.</p> <p>13 When she wouldn't leave, I had to raise my voice 14 trying to get her to leave.</p> <p>15 Q. Did you ever point your finger in her 16 face?</p> <p>17 A. No.</p> <p>18 Q. Did you ever touch her?</p> <p>19 A. No.</p> <p>20 Q. At what point did you decide to leave the 21 room or run to the other side of the room?</p> <p>22 A. When I seen Steve running after me.</p> <p>23 Q. And why was Steve running after you?</p> <p>24 A. He yelled something at me. He was 25 yelling at me because I was yelling at Danielle,</p>	<p style="text-align: right;">Page 76</p> <p>1 happened next?</p> <p>2 A. The nurses came.</p> <p>3 Q. What did the nurses --</p> <p>4 A. He had my hair, my hair.</p> <p>5 Q. What did the nurses do?</p> <p>6 A. They pulled him off of me.</p> <p>7 Q. So the nurses pulled --</p> <p>8 A. Steve off of me.</p> <p>9 Q. And then what happened next?</p> <p>10 A. Then the nurses just walked out as if 11 nothing happened, and then --</p> <p>12 Q. When the nurses walked out, did Steve and 13 Danielle leave the room?</p> <p>14 A. They left the room also. Everybody left 15 the room, and I stayed. And I wanted to be with my 16 dad. And I looked at my dad, and I was just like in 17 shock that this all happened in front of my dad.</p> <p>18 And then my dad was incapacitated and he was out of 19 it; so I was thinking, well, hopefully he didn't --</p> <p>20 I don't know if he seen any of this because he's 21 not -- he's sick. He's not well. He wasn't awake.</p> <p>22 Q. Did --</p> <p>23 A. And then -- go ahead.</p> <p>24 Q. Go ahead, you had something to say?</p> <p>25 A. No. I'm done.</p>

<p style="text-align: right;">Page 77</p> <p>1 Q. So after everyone left, how long was it 2 before somebody else came into the room? 3 A. There was immediately a girl, or maybe it 4 had been a few minutes, maybe, another nurse just 5 came in there and she just pretended that nothing 6 happened. 7 Q. Did security ever come in? 8 A. They came in. They -- I think -- yes, 9 they came in. 10 Q. How many security guards came in? 11 A. There was two. 12 Q. Do you recall their names? 13 A. I don't recall. 14 Q. What did the two security officers say to 15 you? 16 A. They were banging on their handcuffs 17 and -- actually, they were waiting outside, 18 actually. 19 Q. So they never came into the room? 20 A. No. I think they did. They did. They 21 came in. 22 Q. What did they say to you when they came 23 in? 24 A. I don't recall. 25 Q. Did they tell you you had to leave?</p>	<p style="text-align: right;">Page 79</p> <p>1 police were on their way or something. And she said 2 just tell them you want to leave. 3 Q. Okay. And this was before you started 4 walking towards the elevator? 5 A. I don't recall. 6 Q. At what point did Julie tell you the 7 police were on their way? 8 A. I don't recall. 9 Q. So you are in -- 10 A. I think I was crying, and I told Julie, 11 They're going to have me arrested because the 12 security guard said if I come back here one more 13 time, I'm going to be arrested. And the police said 14 if I come here again, they're going to arrest me. 15 On the 17th the police said, If you come here again, 16 we're going to arrest you. 17 Q. Okay. 18 A. So -- and I was crying. She goes, They 19 can't arrest you. You didn't do nothing wrong. 20 Just tell them you want to leave. You just say can 21 I leave, and then they will let you go. So I said 22 okay. She goes, I know this. I'm a nurse. I see 23 this stuff all the time. You just tell them you 24 want to leave when they get here. That's what she 25 said to me.</p>
<p style="text-align: right;">Page 78</p> <p>1 A. I don't recall. But I started leaving. 2 I was walking towards the elevator, and they were 3 following really close behind me, and they were 4 almost brushing up against me. And I turned around, 5 and I asked them -- I think I said, Was there 6 something wrong, or can I help you? You know what 7 you did or something, or something to that effect. 8 We're going to have you arrested, or you're going to 9 be arrested. 10 And I went in the elevator, and they 11 followed me in there, and then I walked out. I 12 didn't want to be in there with them alone. And I 13 walked into my father's room, and I called 911. I 14 can't remember if I called 911 or my brother first. 15 Q. Which brother? 16 A. Lewis. 17 Q. So you decided to leave the room without 18 being told to leave? 19 A. I don't recall. I think they said that 20 the police were on their way. 21 Q. And -- 22 A. I wanted my father to get his rest. 23 Q. And when you walked towards the elevator, 24 the security guards followed you? 25 A. I think Julie, a Nurse Julie told me the</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Who is Julie? 2 A. I think that was her name. She was a 3 nurse. I don't even -- she was one of the nurses. 4 Q. Was she one of the first nurses that 5 walked in before -- 6 A. I don't even -- 7 Q. -- after the incident? 8 A. I don't recall, no. Jane Thiessen was 9 the nurse, my father's nurse that night. 10 Q. Okay. Just so we're clear -- 11 A. I think she was the nurse that came in, 12 and Julie came in to help me. She wasn't my -- I 13 don't think she was my father's nurse. I don't 14 know. Jane Thiessen was. 15 Q. Just so we're clear, I want to make sure. 16 After the incident where you're on the ground, the 17 nurses come in, take your brother off, and then 18 everybody leaves in the room and you are in there by 19 yourself. And you indicated a nurse walked in, was 20 the first person in the room after that incident. 21 Q. What was that nurse's name? 22 A. Jane Thiessen. 23 Q. So that was Jane. And then while you are 24 in there with Jane, you see security guards outside 25 the door?</p>

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<p>1 A. Yes.</p> <p>2 Q. And at what point do you decide to leave 3 the room?</p> <p>4 A. I don't recall, but it was within a 5 matter of minutes after that.</p> <p>6 Q. But nobody else had come into the room 7 besides Jane?</p> <p>8 A. I don't recall. Julie came in the room. 9 There was -- Julie came into the room, to help me, 10 to console me.</p> <p>11 Q. So Julie came into the room before you 12 ever left it after the incident?</p> <p>13 A. I don't remember if she came in there 14 after I went back into the room, after the security 15 guards followed me out, or it was before I left the 16 room.</p> <p>17 Q. So the security guards -- so you decide 18 to leave the room. The security guards follow you 19 to the elevator?</p> <p>20 A. Yes.</p> <p>21 Q. Do they touch you?</p> <p>22 A. Yes.</p> <p>23 Q. How did they touch you?</p> <p>24 A. They brushed really close against me. 25 And they were walking really close on me.</p>	<p>1 A. Not that I can recall, not on that day.</p> <p>2 Q. And so you returned to the room; is that 3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. Is there anybody in the room besides your 6 father when you enter?</p> <p>7 A. I can't recall. No, I don't think 8 anybody was, not at that time.</p> <p>9 Q. After you returned back to the room, who 10 is the next person that comes into the room?</p> <p>11 A. Security guards along with the police.</p> <p>12 Q. So after you returned to the room, the 13 next people to enter are the security guards and the 14 police?</p> <p>15 A. Yes.</p> <p>16 Q. And what do they say to you?</p> <p>17 A. They all came in together. The police 18 started -- they started yelling at me, telling me -- 19 I don't know what he said. They don't want you 20 here, and he was speaking really super loud.</p> <p>21 Q. Go back a minute. 22 Did you ever call the police?</p> <p>23 A. Yes, I did.</p> <p>24 Q. And when did you call the police?</p> <p>25 A. After I left the elevator.</p>
Page 82	Page 84
<p>1 Q. So their shoulder touched you?</p> <p>2 A. Yes. Like -- I guess so, the shoulder.</p> <p>3 Q. Did they grab you?</p> <p>4 A. I don't recall.</p> <p>5 Q. Did they hit you?</p> <p>6 A. Not on the 21st. On the 17th they did.</p> <p>7 Q. So on the 21st they didn't hit you?</p> <p>8 A. (Witness shakes head.)</p> <p>9 Q. Did they put handcuffs on you?</p> <p>10 A. On the 21st --</p> <p>11 Q. Yes.</p> <p>12 A. I don't recall.</p> <p>13 Q. So are you -- why do you leave the 14 elevator and go back to the room?</p> <p>15 A. Because they were threatening me. And they were banging their handcuffs, and they were telling me they're going to have me arrested, and they were speaking monotone, and they wouldn't answer questions. I asked them why they're following me throughout the place. First I went to -- they're following me through the whole place.</p> <p>22 Q. How did they threaten you?</p> <p>23 A. They told me they were going to have me arrested.</p> <p>25 Q. Any other threats?</p>	<p>1 Q. So you returned back to your room and called the police after --</p> <p>3 A. Yes.</p> <p>4 Q. -- leaving the elevator?</p> <p>5 A. Yes.</p> <p>6 Q. What police officer showed up? Do you 7 recall his name?</p> <p>8 A. Frederick.</p> <p>9 Q. And what did he look like?</p> <p>10 A. Frederick showed up in the room, but 11 Eager was also there. A tall, thin guy.</p> <p>12 Q. Officer --</p> <p>13 A. White guy, blond guy.</p> <p>14 Q. How many officers came to your room, 15 police officers?</p> <p>16 A. There was one.</p> <p>17 Q. Just one at that time?</p> <p>18 A. That's what I can remember.</p> <p>19 Q. And did he ask --</p> <p>20 A. There might have been another one, but I 21 didn't -- don't remember seeing him.</p> <p>22 Q. Did Officer Frederick ask you to leave 23 the hospital?</p> <p>24 A. Yes.</p> <p>25 Q. When he walked in, did you say anything</p>

<p style="text-align: right;">Page 85</p> <p>1 to Officer Frederick?</p> <p>2 A. I think I was in shock. I think I just</p> <p>3 told him -- I didn't know what to think, no. I</p> <p>4 don't recall saying anything.</p> <p>5 Q. Did you comply with his request for you</p> <p>6 to leave?</p> <p>7 A. I think I said why.</p> <p>8 Q. What did he say to you?</p> <p>9 A. I think he said, They don't want you here</p> <p>10 or something.</p> <p>11 Q. Did you comply with Officer Frederick's</p> <p>12 request for you to leave?</p> <p>13 A. Yes.</p> <p>14 Q. So when you left the room, did you go</p> <p>15 straight outside?</p> <p>16 A. Well, actually, he didn't -- he wasn't --</p> <p>17 he didn't tell me to leave. A nurse came in because</p> <p>18 he was talking so loud yelling at me, you know. He</p> <p>19 was yelling. And the nurse -- the nurse said -- she</p> <p>20 started yelling at the police officer and said, Can</p> <p>21 you keep it down? I have a patient in the next</p> <p>22 room, and then she shook her head like, What is</p> <p>23 this, what are they doing.</p> <p>24 Well, that bothered me. I was thinking</p> <p>25 what about my dad. He's a patient also. Where's my</p>	<p style="text-align: right;">Page 87</p> <p>1 Q. So once outside, what discussions do you</p> <p>2 have with Officer Frederick?</p> <p>3 A. Nothing. He just told me to wait here,</p> <p>4 and then he went and talked to my brother and</p> <p>5 Danielle. I told him, Can I leave? And he says,</p> <p>6 No, not until I'm done. You wait here. And then</p> <p>7 he -- because Julie told me just tell him I want to</p> <p>8 leave. She told me what to say and so I said it. I</p> <p>9 said, Can I leave? And he wouldn't let me leave.</p> <p>10 He made me sit there on the bench, and he went to</p> <p>11 talk to both Danielle and my brother. And then they</p> <p>12 came back, and they arrested me.</p> <p>13 Q. When did Officer Eager show up?</p> <p>14 A. He put me in handcuffs and he arrested</p> <p>15 me. I think he was there. I seen him. He was</p> <p>16 there as soon as we walked out the hospital.</p> <p>17 Q. Did you ever talk to Officer Eager?</p> <p>18 A. No, never.</p> <p>19 Q. Did Officer Eager ever touch you?</p> <p>20 A. No. I never spoke to him. He never</p> <p>21 touched me.</p> <p>22 Q. Officer Frederick, you indicated, after</p> <p>23 speaking with your brother and Danielle, came over</p> <p>24 to you and arrested you; is that correct?</p> <p>25 A. Repeat.</p>
<p style="text-align: right;">Page 86</p> <p>1 dad's nurse? There's no nurse here to tend for my</p> <p>2 dad, to tell my dad, you know, to tell them to keep</p> <p>3 it quiet, that my dad needs his rest also.</p> <p>4 So then he walked out. And then so right</p> <p>5 outside, I see a room. He starts reading me the</p> <p>6 trespassing card again.</p> <p>7 Q. What do you mean "again"?</p> <p>8 A. I think he said -- he did it in my dad's</p> <p>9 ICU room.</p> <p>10 Q. That same day?</p> <p>11 A. I think, yeah. I think, if I remember</p> <p>12 correctly. So then he starts reading it again. I</p> <p>13 don't think he really knew what -- I don't know. He</p> <p>14 read it outside again, and then he said come with</p> <p>15 me, and then we went downstairs and he read it</p> <p>16 again.</p> <p>17 Q. So for a third time he read it to you?</p> <p>18 A. Yeah.</p> <p>19 Q. Were you outside or inside the hospital</p> <p>20 the third time?</p> <p>21 A. Outside, right outside the front door.</p> <p>22 Q. So from the time Officer Frederick first</p> <p>23 showed up until you exited the hospital, did</p> <p>24 Officer Frederick ever touch you?</p> <p>25 A. I don't recall.</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. After Officer Frederick was speaking with</p> <p>2 your brother and Danielle, you indicated he came</p> <p>3 over and arrested you and handcuffed you; is that</p> <p>4 correct?</p> <p>5 A. Yes. That other guy, Eager --</p> <p>6 Q. Yes.</p> <p>7 A. -- he was never -- I don't know, he never</p> <p>8 got so -- as close to me. He never spoke to me. He</p> <p>9 never even got really close. He was very distant,</p> <p>10 way on the other side. So he doesn't even know what</p> <p>11 I looked like, as far as I'm concerned, because he</p> <p>12 never was close enough to even see who I am.</p> <p>13 Q. So Officer Frederick put you in</p> <p>14 handcuffs. Describe how he put you in handcuffs?</p> <p>15 A. He patted me down and put me in</p> <p>16 handcuffs. He handcuffed my hands behind my back.</p> <p>17 He put me in the back of the police car.</p> <p>18 Q. But the handcuffing didn't cause any</p> <p>19 injuries; correct?</p> <p>20 A. Well, yeah, it hurt.</p> <p>21 Q. But you didn't receive any injuries;</p> <p>22 correct?</p> <p>23 A. I received emotional injuries, yes. And</p> <p>24 yes, it was bruised.</p> <p>25 Q. Do you have pictures of the bruises?</p>

<p style="text-align: right;">Page 89</p> <p>1 A. No.</p> <p>2 Q. Did you go see a doctor for the bruising?</p> <p>3 A. No. I didn't have insurance. My father 4 was the only thing on my mind at that time, not me. 5 I wouldn't go to a doctor just of a bruise.</p> <p>6 Q. Did any of the officers hit you?</p> <p>7 A. They handcuffed me.</p> <p>8 Q. Did they ever hit you?</p> <p>9 A. No. Explain "hit."</p> <p>10 Q. What do you understand "hit" to mean?</p> <p>11 A. Punch.</p> <p>12 Q. Did they ever punch you --</p> <p>13 A. Closed fist.</p> <p>14 Q. -- with a closed fist?</p> <p>15 A. No.</p> <p>16 Q. Did they ever kick you?</p> <p>17 A. No.</p> <p>18 Q. Did they ever slap you?</p> <p>19 A. No.</p> <p>20 Q. Did they ever pull a weapon out?</p> <p>21 A. I don't recall.</p> <p>22 Q. Did they ever Tase you?</p> <p>23 A. No.</p> <p>24 Q. Did the officer use any weapons in his 25 tool belt or any of his tools besides his handcuffs?</p>	<p style="text-align: right;">Page 91</p> <p>1 think my arm is broke. He pulled it out of the 2 socket.</p> <p>3 Q. You complained that your arm was broke?</p> <p>4 A. I said, I think my arm is broke.</p> <p>5 Q. This was on March 21st; correct?</p> <p>6 A. This was on March 17th.</p> <p>7 Q. Okay. We're talking about March -- let's 8 go to March 21st.</p> <p>9 The handcuffing on March 21st, did you 10 ever voice any complaints about the handcuffing on 11 that day?</p> <p>12 A. Yes.</p> <p>13 Q. What did you say?</p> <p>14 A. I think I said, if I can recall, I don't 15 know the exact words, but I think I said -- I just 16 was annoyed that he kept me in the car for 17 45 minutes. I don't think he had to handcuff me 18 until after -- until right -- until he was about 19 ready to take me to -- you know, drive me there. He 20 didn't have to keep me in handcuffs for 45 minutes.</p> <p>21 Q. So on March 21st, are there any other 22 complaints besides he kept you in handcuffs too 23 long?</p> <p>24 A. They wouldn't let me be with my dad. I 25 had a right to be there. I hadn't -- I told them I</p>
<p style="text-align: right;">Page 90</p> <p>1 A. I don't recall.</p> <p>2 Q. Do you ever -- did you ever voice any 3 complaints to the officers?</p> <p>4 A. Yes.</p> <p>5 Q. What complaints?</p> <p>6 A. I told him, My dad is up there in the 7 hospital room and he expects me to be there with 8 him, and he is going to be very -- he's going to 9 wonder why I'm not there. He's going to be sad.</p> <p>10 Q. Any other complaints?</p> <p>11 A. I told the officers that the security 12 guards are harassing me. They won't let me be with 13 my dad.</p> <p>14 Q. Any other complaints?</p> <p>15 A. Not that I can recall.</p> <p>16 Q. So the only complaints you ever voiced to 17 the officers was your dad was upstairs and he needed 18 you and you wanted to be there and the security 19 guards were harassing you; is that correct?</p> <p>20 A. That I can recall.</p> <p>21 Q. Did you ever complain about the 22 handcuffs?</p> <p>23 A. Yes.</p> <p>24 Q. What did you complain about them?</p> <p>25 A. They're too tight and it hurts, and I</p>	<p style="text-align: right;">Page 92</p> <p>1 have a right to be here. My dad is expecting me to 2 be here. He's very sick.</p> <p>3 Q. Now, going back to the March 17th when 4 you said you complained they were too tight, the 5 handcuffs were too tight, and that you felt your arm 6 was broke, that was from handcuffing by security 7 guards; correct?</p> <p>8 A. Yes.</p> <p>9 Q. So on the March 21st handcuffing with the 10 police, you never complained that they were too 11 tight; correct?</p> <p>12 A. I don't recall.</p> <p>13 Q. Have you ever seen your complaint that 14 you filed in this action?</p> <p>15 A. Yes.</p> <p>16 Q. Did you review it before it was filed?</p> <p>17 A. I don't recall.</p> <p>18 Q. Have you read it since it was filed?</p> <p>19 A. Yes.</p> <p>20 Q. Do you approve of everything that is in 21 it?</p> <p>22 A. Yes.</p> <p>23 Q. Now, what violations of your civil rights 24 do you allege LVMPD committed?</p> <p>25 MR. POTTER: Objection; calls for a legal</p>

<p>1 conclusion.</p> <p>2 Go ahead, if you can answer.</p> <p>3 THE WITNESS: The police officers did not</p> <p>4 have probable cause to arrest me.</p> <p>5 Did you say go ahead?</p> <p>6 MR. POTTER: Yeah. You can go ahead and</p> <p>7 answer his question.</p> <p>8 BY MR. BENSON:</p> <p>9 Q. What do you mean they had no probable</p> <p>10 cause to arrest you?</p> <p>11 A. They didn't talk to me first. They</p> <p>12 wouldn't let -- nothing I said mattered. They</p> <p>13 turned a blind eye to me. They already had -- they</p> <p>14 were convinced that they were going to have --</p> <p>15 whatever Danielle said went. They didn't care why I</p> <p>16 was there.</p> <p>17 They said they don't have any</p> <p>18 jurisdiction over the hospital, and that's it. They</p> <p>19 said if the hospital wants me out, then I'm out.</p> <p>20 That's their private property, and they don't have</p> <p>21 any say over the hospitals. That's what they told</p> <p>22 me.</p> <p>23 Q. Before they put you in the police car and</p> <p>24 took you away from the hospital, you did voice</p> <p>25 complaints about security guards harassing you;</p>	<p>Page 93</p> <p>1 took place on March 17th, 2008; is that correct?</p> <p>2 A. I am. In my mind, it happened. It</p> <p>3 happened. March 17th happened. The complaint</p> <p>4 doesn't specify it, but it does lead up to it, that</p> <p>5 there was a previous harassment issue.</p> <p>6 MR. POTTER: Is this a good time to take</p> <p>7 a break?</p> <p>8 MR. BENSON: Great time to take a break.</p> <p>9 (Off the record.)</p> <p>10 BY MR. BENSON:</p> <p>11 Q. Welcome back, Ms. Zaic. Just got back</p> <p>12 from a lunch break, and you understand you are still</p> <p>13 under oath; correct?</p> <p>14 A. Yes.</p> <p>15 Q. Earlier you had stated that your brother</p> <p>16 Steve had beat you up in the past before and after</p> <p>17 this incident.</p> <p>18 How many times has your brother Steve</p> <p>19 beat you up?</p> <p>20 A. Twice.</p> <p>21 Q. And when were those?</p> <p>22 MR. POTTER: Just what she has testified</p> <p>23 to?</p> <p>24 BY MR. BENSON:</p> <p>25 Q. On what two occasions has your brother</p>
<p>1 correct?</p> <p>2 A. I don't recall.</p> <p>3 Q. Earlier when we were talking about your</p> <p>4 complaints that you told the police --</p> <p>5 A. That was on the 17th. We were talking</p> <p>6 about the 17th.</p> <p>7 Q. Okay. So on the 21st --</p> <p>8 A. I voiced that on the 17th.</p> <p>9 Q. On the 21st, did you ever voice any</p> <p>10 complaints to the police about the security guards?</p> <p>11 A. I don't recall. He didn't speak to me.</p> <p>12 He didn't ask -- I wasn't allowed to speak to him.</p> <p>13 He told me, Just sit here and don't say anything.</p> <p>14 So no, I wasn't allowed to talk to him. He didn't</p> <p>15 ask me any questions. On the 17th I did, though. I</p> <p>16 remember that, specifically.</p> <p>17 Q. But this lawsuit doesn't involve anything</p> <p>18 that happened on the 17th; correct?</p> <p>19 MR. POTTER: Objection; calls for a legal</p> <p>20 conclusion.</p> <p>21 THE WITNESS: I think it does.</p> <p>22 BY MR. BENSON:</p> <p>23 Q. It does?</p> <p>24 A. It leads up to it.</p> <p>25 Q. But you are not suing over actions that</p>	<p>Page 94</p> <p>1 beat you up?</p> <p>2 A. We got in an argument. Actually, he</p> <p>3 didn't beat me up. He chased me around the house</p> <p>4 and threatened me. It was about four years prior to</p> <p>5 that.</p> <p>6 Q. And what was the other time?</p> <p>7 A. The day, March 23rd. I think that was my</p> <p>8 dad passed away.</p> <p>9 Q. What happened on March 23rd?</p> <p>10 A. He and Lewis came to my house. And</p> <p>11 actually, he didn't physically hurt me. Lewis, they</p> <p>12 attacked me. And the police have pictures of that</p> <p>13 incident.</p> <p>14 Q. Did Steve hit you?</p> <p>15 A. No.</p> <p>16 Q. Did he cut you?</p> <p>17 A. No.</p> <p>18 Q. Did he beat you up on March 23rd?</p> <p>19 A. No. Lewis did.</p> <p>20 Q. And then before, about four years prior</p> <p>21 to this incident, you indicated that you were in an</p> <p>22 argument and he chased you around the house.</p> <p>23 Did he ever touch you on that date?</p> <p>24 A. I don't remember.</p> <p>25 Q. In your interrogatories you state, I</p>

<p style="text-align: right;">Page 97</p> <p>1 started running towards -- this is when you were in 2 the hospital. You said, I started running towards 3 the door, as I knew my brother was going to beat me 4 up, as he has done in the past on several other 5 occasions prior to this incident and after this 6 incident.</p> <p>7 A. Right.</p> <p>8 Q. So were you referring just to these two 9 occasions?</p> <p>10 A. Yes.</p> <p>11 Q. And you indicated he never touched you on 12 either of those two occasions?</p> <p>13 A. Well, he's -- I don't know who was there. 14 I don't know who physically -- Lewis was there. 15 Lewis specifically did that.</p> <p>16 Q. But Steve never did?</p> <p>17 A. He did four years prior to that.</p> <p>18 Q. Earlier you just testified that the four 19 years prior you had an argument, but he never 20 touched you.</p> <p>21 A. Well, it was a long time ago.</p> <p>22 Q. So did he touch you or did he not touch 23 you?</p> <p>24 A. I don't remember.</p> <p>25 Q. So what did you mean when you answered in</p>	<p style="text-align: right;">Page 99</p> <p>1 Q. Did he use it on you -- 2 A. He just came. No. 3 Q. Did he hit you? 4 A. No. 5 Q. Did he push you? 6 A. No. 7 Q. Did he beat you up? 8 A. No. 9 Q. You indicated that you have suffered 10 emotional distress as a result of this incident; is 11 that correct? 12 A. Yes. 13 Q. Have you ever visited a doctor? 14 A. Not because of this, no. 15 Q. Have you -- have you ever been prescribed 16 medication because of this incident? 17 A. No. 18 Q. Have you ever lost sleep? 19 A. Yes. 20 Q. Do you regularly lose sleep over this 21 incident? 22 A. Yes. 23 Q. What other emotional distress have you 24 suffered? 25 A. The loss of my father. He'll never be</p>
<p style="text-align: right;">Page 98</p> <p>1 this interrogatory, Like he has done in the past on 2 several occasions prior to the incident and after 3 the incident, that he had beat you up?</p> <p>4 A. I was referring to that incident four 5 years prior.</p> <p>6 Q. Just one? Just one incident?</p> <p>7 A. And the other one where he was physically 8 there on the 23rd.</p> <p>9 Q. But on those two occasions, he either --</p> <p>10 A. I lumped both of my brothers into one.</p> <p>11 Q. -- so he either didn't touch you or you 12 don't recall; is that correct?</p> <p>13 MR. POTTER: Objection; argumentative.</p> <p>14 THE WITNESS: The police were called four 15 years prior to that.</p> <p>16 BY MR. BENSON:</p> <p>17 Q. But you don't recall if he touched you 18 four years prior; is that correct?</p> <p>19 A. I think he did. He chased me into the 20 room, and I think he did. He did.</p> <p>21 Q. How did he touch you?</p> <p>22 A. He grabbed the -- he grabbed the stun gun 23 out of my hand.</p> <p>24 Q. And then what?</p> <p>25 A. I don't recall.</p>	<p style="text-align: right;">Page 100</p> <p>1 here.</p> <p>2 Q. But you've never visited a doctor, been 3 prescribed medication?</p> <p>4 A. No.</p> <p>5 Q. Are you involved in any other civil 6 lawsuits right now?</p> <p>7 A. No. Not that I -- no.</p> <p>8 Q. So this is the only civil lawsuit you are 9 involved in?</p> <p>10 A. Yes.</p> <p>11 Q. Are you a defendant in any case?</p> <p>12 A. No.</p> <p>13 MR. POTTER: A defendant other than in 14 the case we've talked about?</p> <p>15 BY MR. BENSON:</p> <p>16 Q. Correct. A defendant in any other civil 17 case?</p> <p>18 A. No.</p> <p>19 Q. Is there anything that you feel is 20 important to this case that we have not discussed so 21 far?</p> <p>22 MR. POTTER: Objection; calls for a 23 narrative.</p> <p>24 THE WITNESS: No.</p> <p>25 MR. BENSON: I'm done. I will pass the</p>

<p>1 witness.</p> <p>2 EXAMINATION</p> <p>3 BY MR. TYLER:</p> <p>4 Q. Hi Joyce, my name is Casey Tyler. I 5 represent the hospital and the security guard in 6 this matter. Because of the nature of this process, 7 I'm going to be asking you follow-up questions; so I 8 may have to jump around a little bit. Some of the 9 things we have already talked about, but I may have 10 more specific questions and maybe questions in a 11 different light as to that area of inquiry.</p> <p>12 Do you have any questions about that 13 before I proceed?</p> <p>14 A. No.</p> <p>15 Q. Counsel has already asked you if you 16 actually spoke with anybody in preparation for 17 today.</p> <p>18 Did you actually review any materials, 19 though?</p> <p>20 A. Repeat that.</p> <p>21 Q. Did you review any kind of materials in 22 preparation for today's deposition?</p> <p>23 A. No. Not today, no.</p> <p>24 Q. Or at any point during the last week or 25 so in preparation?</p>	<p>Page 101</p> <p>1 did you make any kind of written reports on your own 2 about the incident that occurred at MountainView 3 during any of that time frame while your dad was in 4 the hospital?</p> <p>5 A. Yes.</p> <p>6 Q. And what did you keep, or what did you 7 diary, or what kind of reports did you create?</p> <p>8 A. Handwritten and some computer notes, I 9 believe, and also recordings.</p> <p>10 Q. And the handwritten and computer notes, 11 are those still accessible to you?</p> <p>12 A. No.</p> <p>13 Q. And why is that?</p> <p>14 A. On the police -- Nevada Highway -- the 15 Department of Public Safety came in and took them.</p> <p>16 Q. And what is your understanding of why the 17 Department of Public Safety took those notes?</p> <p>18 MR. POTTER: Object to the extent it 19 calls for her knowledge of what is going on in the 20 criminal action and instruct her not to answer.</p> <p>21 BY MR. TYLER:</p> <p>22 Q. And the notes taken by the Department of 23 Public Safety, do those notes include information 24 regarding the incidents that occurred at 25 MountainView Hospital?</p>
<p>1 A. Yes.</p> <p>2 Q. And what did you review?</p> <p>3 A. What's going to be -- what's going to 4 happen today. What can I expect, how the wording -- 5 how you guys are going to -- I just had to watch a 6 movie.</p> <p>7 Q. And I don't want to know about what you 8 talked about with Cal about how the process is going 9 to work, but is there actually any written materials 10 that you reviewed in preparation?</p> <p>11 A. My complaint.</p> <p>12 Q. Your complaint.</p> <p>13 Did you review any of the interrogatories 14 or discovery responses?</p> <p>15 A. Yes.</p> <p>16 Q. Any of the other legal pleadings?</p> <p>17 A. Yes.</p> <p>18 Q. To the best of your knowledge, could you 19 give me an idea of what you did review?</p> <p>20 A. My own interrogatories, the complaint, 21 and a few of the motions that you filed in response 22 to the complaint.</p> <p>23 Q. Anything else?</p> <p>24 A. No.</p> <p>25 Q. Did you keep any kind of written diary or</p>	<p>Page 102</p> <p>1 A. Yes.</p> <p>2 Q. And as far as you know, any backups, any 3 copies, anything like that, everything would be in 4 possession of the Department of Public Safety?</p> <p>5 A. Yes.</p> <p>6 Q. Are there any narratives that you created 7 like that that you provided to Mr. Potter?</p> <p>8 A. No. I don't have them, no.</p> <p>9 Q. Any other narratives, diaries, things of 10 that nature that you created on your own that are 11 still accessible to you?</p> <p>12 A. No.</p> <p>13 Q. As far as your legal history, have you 14 ever had a lawsuit filed against you or filed a 15 lawsuit against anyone else?</p> <p>16 A. Let me go backwards, not that I can 17 recall the notes.</p> <p>18 Q. The notes that were created about the 19 incident?</p> <p>20 A. Right, not that I can recall.</p> <p>21 Q. So there may be more that are floating 22 out there, you are just not sure?</p> <p>23 A. Right. I may have some in my house or 24 something.</p> <p>25 Q. Is that something that you could check</p>

<p style="text-align: right;">Page 105</p> <p>1 on, and if you were able to find those, you could 2 provide those to Mr. Potter and he could produce 3 those?</p> <p>4 A. If I find them, correct, if they are 5 there.</p> <p>6 Q. Would you be willing to look for those?</p> <p>7 A. Yes.</p> <p>8 Q. Thanks.</p> <p>9 A. There's some -- okay.</p> <p>10 Q. Have you ever been involved in any kind 11 of legal actions prior to the incident in question?</p> <p>12 A. Yes.</p> <p>13 Q. And what are those?</p> <p>14 A. What type of legal actions? Sorry.</p> <p>15 Q. Any type of legal action where there was 16 actually litigation filed in a court, so a complaint 17 or anything of that nature --</p> <p>18 A. You are talking about civil?</p> <p>19 Q. Civil or criminal, either against you or 20 by you?</p> <p>21 A. Can you repeat what -- prior to this 22 complaint or after, I was arrested for wiretapping 23 by Danielle Pieper, the one we're suing. She's 24 involved with that. And that's a felony charge. I 25 was arrested for that.</p>	<p style="text-align: right;">Page 107</p> <p>1 THE WITNESS: I purchased some health 2 food products from a girl that has an Internet 3 business. I purchased a book and a small appliance, 4 over \$80, and wrote her a check and sent it in, she 5 never gave me my product and she cashed my check. 6 And I called her up and requested it, and she never 7 gave it.</p> <p>8 I went on the Internet and voiced my 9 opinion on a health food forum that we both 10 frequent, and similar to how they do on eBay and 11 Amazon, when you purchase a product, you can voice 12 your opinion and feedback. And I posted my 13 feedback, and she sued me. She didn't like what I 14 wrote.</p> <p>15 BY MR. TYLER:</p> <p>16 Q. And in the body of your order, I'm 17 looking at the second page of that, and it says, 18 quote, Some of the claims allegedly made by Zaic 19 were that Cohen stole \$100 from a young girl and 20 threatened her, that she threatened a customer's 21 life, and that she acted fraudulently by cashing a 22 check and not delivering an ordered product.</p> <p>23 Did you ever make those claims?</p> <p>24 A. Yes, she did that.</p> <p>25 Q. She made those claims or you made those</p>
<p style="text-align: right;">Page 106</p> <p>1 And I was involved -- I was a defendant 2 in a civil lawsuit from -- over an Internet dispute, 3 somebody that lives in Maine. That case is closed. 4 I'm no longer a defendant.</p> <p>5 Q. Any other lawsuits besides those where 6 you have been a plaintiff or a defendant?</p> <p>7 A. Not that I can recall.</p> <p>8 Q. I'm going to show you Exhibit B. 9 (Whereupon, Exhibit B was 10 marked for identification.)</p> <p>11 BY MR. TYLER:</p> <p>12 Q. And you mentioned a civil lawsuit where 13 you were a defendant over an Internet transgression. 14 Is this an order issued from that suit, 15 as far as you can tell?</p> <p>16 A. Yes.</p> <p>17 Q. And if you can -- and if you need to, 18 feel free to take a look through that to refresh 19 your memory.</p> <p>20 Can you tell us, to the best of your 21 recollection, what the basic facts of that lawsuit 22 were.</p> <p>23 MR. POTTER: I'll just object and a 24 continuing objection on relevancy.</p> <p>25 Go ahead and answer.</p>	<p style="text-align: right;">Page 108</p> <p>1 claims?</p> <p>2 A. I did criticize her business. I made 3 those claims.</p> <p>4 Q. And did she actually threaten your life?</p> <p>5 A. They threatened me.</p> <p>6 Q. And how did they do so?</p> <p>7 A. I don't recall. The case is closed, 8 so -- her husband threatened me.</p> <p>9 Q. Threatened physical violence against you?</p> <p>10 A. Yes. An employee of hers.</p> <p>11 Q. You looked earlier at Exhibit A -- I 12 don't have the original -- and I know you don't 13 necessarily know if there is any merit to the 14 charges that have been made against you, and I don't 15 want you to comment on that at all.</p> <p>16 But to the best of your understanding, 17 are these the charges that have actually been 18 leveled against you in that litigation?</p> <p>19 A. This is what I'm being accused of.</p> <p>20 Q. As far as you know, that's the full 21 extent of the charges that are currently pending 22 against you?</p> <p>23 A. As far as I'm aware and my public --</p> <p>24 nobody never sat down and discussed this with me; so 25 I don't know.</p>

<p style="text-align: right;">Page 109</p> <p>1 MR. POTTER: I'm going to instruct you, 2 don't get into conversations with -- about the 3 attorneys.</p> <p>4 BY MR. TYLER:</p> <p>5 Q. And my only question is just as far as 6 you know, these are the actual felony charges that 7 are pending against you; is that correct?</p> <p>8 A. Correct.</p> <p>9 Q. Have you ever been diagnosed with any 10 type of mental illness?</p> <p>11 A. No.</p> <p>12 Q. Have you ever taken any type of 13 medication?</p> <p>14 A. No.</p> <p>15 Q. Were you on any type of prescriptions at 16 the time your father was a patient at MountainView?</p> <p>17 A. No.</p> <p>18 Q. Have you ever been on any kind of 19 medication that would be for any kind of mental 20 issue?</p> <p>21 A. No.</p> <p>22 Q. In this matter your counsel has produced 23 what is called the 26.1 disclosure of witnesses and 24 documents. I don't know if you took part in 25 creating this, but this lists who you would</p>	<p style="text-align: right;">Page 111</p> <p>1 MR. POTTER: I will object to the form of 2 the question. She is not trying the case. I mean, 3 she can testify to facts.</p> <p>4 You can testify factually of what you 5 know.</p> <p>6 THE WITNESS: The PBX operator took the 7 call or is the one that called the police after the 8 security guards told her to. The PBX operator 9 stated to the police in the 911 call that she seen 10 me in handcuffs.</p> <p>11 BY MR. TYLER:</p> <p>12 Q. As far as you personally know, would the 13 PBX operator have any more information regarding the 14 incident that occurred at MountainView?</p> <p>15 A. Not that I'm aware of. She might.</p> <p>16 Q. You've listed a number of medical 17 witnesses, and there's 20 total. And I will let you 18 browse through those. They are under Section D 19 here. It appears that they are all medical 20 providers that were providing care for your father.</p> <p>21 And really, my only question is do you 22 intend to use any of those medical providers to 23 provide testimony about any injuries that you may 24 have sustained as a result of the incidents at 25 MountainView?</p>
<p style="text-align: right;">Page 110</p> <p>1 potentially call at trial. I just have a few 2 questions about what -- who some people are and what 3 their roles might be in the potential trial.</p> <p>4 You listed Courtney Cerna as an operator 5 for MountainView Hospital, and you listed that 6 person is expected to testify regarding her 7 knowledge of the facts and circumstances before or 8 after surrounding the subject incident.</p> <p>9 What is your understanding of what 10 Courtney Cerna may or may not know in regards to 11 this litigation?</p> <p>12 A. She is the PBX operator?</p> <p>13 Q. I'm not sure. This is your disclosure.</p> <p>14 A. My attorney drafted that. I don't know.</p> <p>15 Q. Let's assume that she is the PBX 16 operator, you're correct in that deduction.</p> <p>17 What is your understanding of what her 18 role could potentially be in this litigation?</p> <p>19 A. She can -- my attorney drafted that. We 20 discussed -- he drafted that.</p> <p>21 Q. Is there anything -- any testimony you 22 intend to introduce at trial about the role of the 23 PBX operator in your efforts to prove your cause of 24 action?</p> <p>25 A. The PBX operator --</p>	<p style="text-align: right;">Page 112</p> <p>1 MR. POTTER: To the extent it calls for 2 any attorney/client privilege, I object.</p> <p>3 THE WITNESS: My attorney drafted this 4 and -- all of them.</p> <p>5 BY MR. TYLER:</p> <p>6 Q. All of them? I'm asking if they treated 7 you personally for any injuries?</p> <p>8 A. Oh, is that what your question is? Did 9 they treat me?</p> <p>10 Q. Yes.</p> <p>11 A. Nobody, no.</p> <p>12 Q. And you don't intend to introduce any 13 testimony about any of them treating you for any 14 injuries that were sustained at MountainView?</p> <p>15 A. They treated my father for injuries. All 16 these are my father's.</p> <p>17 Q. Can I get that back, please?</p> <p>18 And then you also list a John Parris, 19 address unknown, and they're to testify regarding 20 the knowledge -- knowledge of the facts and 21 circumstances surrounding the subject incident.</p> <p>22 Who is John Parris?</p> <p>23 A. He is my court-appointed attorney for the 24 felony wiretapping charge. That's open and pending 25 right now.</p>

<p style="text-align: right;">Page 113</p> <p>1 Q. And is he still acting as your 2 court-appointed attorney in that matter? 3 A. Yes. 4 Q. You mentioned that you had some recorded 5 meetings with the physicians already in your 6 testimony, and that's also referenced in your 7 discovery. 8 Do you maintain those recordings still? 9 A. I guess. I believe -- I don't recall. 10 Those were also in the computer in the -- in the 11 felony case where they came in and took it. 12 Q. How did you go about making those 13 recordings? Did you use a small -- 14 A. Yes. 15 Q. -- digital recorder or -- 16 A. Yes. 17 Q. Okay. And did you maintain that digital 18 recorder? 19 A. They had took it. The -- the search 20 warrant, they have that. 21 Q. And as far as you know, have all copies 22 of any digital recordings that you -- were created 23 by you been seized? 24 A. I guess. 25 Q. Is there a possibility there may be a</p>	<p style="text-align: right;">Page 115</p> <p>1 many recordings you would have created? 2 A. Pertaining to the hospital, probably 3 about, I don't know, over 20, 30, possibly more. 4 Q. And were these more or less an every day 5 occurrence, or was there certain significance when 6 you decided you were recording conversations? 7 A. Only when the doctors came in and they 8 talked, because I wanted to remember what they said. 9 Q. And when you created these recordings, 10 was the person being recorded on notice that you 11 were making the recording? 12 MR. POTTER: Objection; calls for a legal 13 conclusion and also knowledge outside of her scope. 14 BY MR. TYLER: 15 Q. Did you tell the person, when you were 16 making the recordings, that you were recording them? 17 A. No. It's not illegal; so I didn't have 18 to. 19 Q. And when you were creating these 20 recordings, was it located in your pocket? Was it 21 something you sat on the table? Would they have 22 known the recorder was there? 23 A. Sometimes I -- sometimes they were on the 24 table. Sometimes it was just in my hand. They 25 could see it in my hands. Sometimes they could see</p>
<p style="text-align: right;">Page 114</p> <p>1 recording somewhere at your home just like there may 2 be a copy of your diary or something like that? 3 A. Yes -- 4 MR. POTTER: Objection; calls for 5 speculation. 6 BY MR. TYLER: 7 Q. I would just ask if you would also look 8 for that, if you could. 9 A. Okay. 10 Q. Thank you. As far as the recordings, do 11 you have any idea of who exactly you recorded? 12 MR. POTTER: To the extent it gets into 13 the criminal case, I'm going to instruct her not to 14 answer. 15 BY MR. TYLER: 16 Q. And I'm just -- when you are at 17 MountainView, do you know who you would have 18 recorded at MountainView? 19 A. Security guards, nurses, lead nurses, 20 Helen Vos, who stated she was in charge of the whole 21 hospital and nobody is above her. Doctors. 22 Q. Suffice to say, quite a few recordings, 23 it sounds like? 24 A. Yes. 25 Q. Do you have any idea approximately how</p>	<p style="text-align: right;">Page 116</p> <p>1 it on the table, and sometimes it was in my pocket. 2 Q. Would it be reasonable to say that at 3 least some of these recordings, it's possible they 4 would not know they were being recorded? 5 MR. POTTER: Objection; calls for 6 speculation as to the word "possible." 7 THE WITNESS: Repeat that. 8 BY MR. TYLER: 9 Q. Is it possible that the person being 10 recorded at certain times may not have been aware 11 that you were recording them? 12 MR. POTTER: Same objection; calls for 13 speculation. 14 THE WITNESS: Do I answer? 15 MR. POTTER: Go ahead and answer. 16 THE WITNESS: It's possible. 17 BY MR. TYLER: 18 Q. Did you ever have a power of attorney for 19 your father? 20 A. No. 21 Q. Did you ever tell anyone that you had a 22 power of attorney? 23 A. No. 24 Q. Do you know if one was ever executed 25 while he was a patient at MountainView?</p>

<p style="text-align: right;">Page 117</p> <p>1 A. I know none was ever executed. And 2 nobody. 3 (Whereupon, Exhibit C was 4 marked for identification.)</p> <p>5 BY MR. TYLER:</p> <p>6 Q. I will show you Exhibit C. 7 Have you seen this document before? Or 8 the complete copy of this document before? 9 A. I have never seen page -- no. I've only 10 seen page 2. I've never seen the other pages.</p> <p>11 Q. I will represent to you that this is a 12 copy of the security log that's maintained by the 13 security office at MountainView -- security officers 14 at MountainView Hospital.</p> <p>15 A. Okay.</p> <p>16 Q. And if we take a look, the first page is 17 an entry from March 1st, 2008. And if you look at 18 the 11:35 entry, it says, Called to ICU 1, family 19 dispute, Metro was also called. 20 Do you see where I'm looking at?</p> <p>21 A. No. I don't see March 1st. Can I see 22 yours to clarify? Mine is cut off.</p> <p>23 Q. It's the same copy.</p> <p>24 A. Is your copy cut off too, also? Yeah.</p> <p>25 Q. But what I'm looking at and -- I'll just</p>	<p style="text-align: right;">Page 119</p> <p>1 there? 2 A. Yes. 3 Q. It says, Daughter very hysterical at 4 bedside, patient's sons in to see patient with Metro 5 Police and hospital security. Steve (son) requested 6 that his dad sign papers for POA. Told Steve (son) 7 that this could not be done due to the fact that his 8 dad is sedated on Diprivan. Was told by son they 9 had Metro Police in with them to protect them and us 10 from their sister Joyce (patient's daughter). 11 Administration also notified of incident. Family 12 conference held with Dr. Codena and Dr. Sinai. 13 Is that what you are referring to as the 14 March 2nd incident? 15 A. Yes -- no. I'm not referring to this. I 16 don't know what this is. I don't know why she put 17 this. She put words in my brother's mouth. My 18 brother -- no. I don't know if this -- I don't know 19 if this took place or not inside my father's 20 hospital room. I wasn't there.</p> <p>21 Q. Do you know whether or not Steve ever 22 told the MountainView staff that they had Metro with 23 them to protect them and the staff from you?</p> <p>24 A. I don't know what Steve said.</p> <p>25 Q. Did Steve ever tell you that he had said</p>
<p style="text-align: right;">Page 118</p> <p>1 ask you to assume it's March 1st for the purpose of 2 the deposition today. Can you look at the 11:35 3 entry with me. 4 A. Okay. This never happened March 1st. 5 Q. Correct. 6 A. There was never a family dispute on 7 March 1st. 8 Q. So you've already anticipated my next 9 question. I've been informed by the security guard 10 that this refers to a family dispute involving 11 yourself, and you maintain that there was not one 12 that occurred on March 1st at 11:35? 13 A. This must have been March 2nd. That 14 meeting, that family meeting that we were discussing 15 earlier. 16 Q. Okay. So you think this was the family 17 meeting? 18 A. I think so. Metro was not called. 19 (Whereupon, Exhibit D was 20 marked for identification.)</p> <p>21 BY MR. TYLER:</p> <p>22 Q. I've handed you Exhibit D, which is 23 charting completed by the nurses at MountainView. I 24 will have you turn to the third -- the fourth page, 25 and you can see an area that's been highlighted</p>	<p style="text-align: right;">Page 120</p> <p>1 that? 2 A. No. 3 Q. Would Steve have any reason to need Metro 4 to protect himself and the staff from you? 5 A. No. My brothers are bigger than me. 6 They don't need to be protected. 7 Q. And your understanding, you testified 8 earlier Metro was just there to keep the peace at 9 Lewis's request? 10 A. That's what the police officer told me. 11 Lewis was a police officer at the time. Steve is 12 not a police officer; so he can't request anything 13 from them. 14 Q. If you go forward -- and actually, let's 15 go off for just one second. 16 (Off the record.)</p> <p>17 BY MR. TYLER:</p> <p>18 Q. And we are looking again at that same 19 page we were just on, which is Bates stamped on the 20 bottom MVH 13, and just below the entry we were just 21 looking at -- and it is again on March 2nd, 2008 -- 22 it says, Family informed of limitation on 23 visitation. 24 Do see where I'm looking at? 25 A. Yes.</p>

<p style="text-align: right;">Page 121</p> <p>1 Q. Do you have any idea what that is in 2 reference to? 3 A. No. 4 Q. Do you know, was any limitation ever 5 placed upon your visitation? 6 A. No. 7 Q. And was there any discussion about 8 limitation visitation on March 2nd? 9 A. I don't recall. 10 Q. Let's go forward to the next page, 11 MVH 14. And towards the top of the page there is a 12 March 3rd entry. It says, Patient's daughter Joyce 13 in the room at 2045, asked if she is aware of the 14 five-minute visitation every time. Acknowledge that 15 she is aware, then left. 16 Do you see where I'm looking at? 17 A. Yes. 18 Q. Did you ever have any discussions about a 19 five-minute visitation limit? 20 A. I don't recall. 21 Q. And do you recall this interaction at all 22 or anyone telling you that you were limited to a 23 five-minute visitation at this point? 24 A. I don't recall. 25 Q. Okay. Can you please turn with me to</p>	<p style="text-align: right;">Page 123</p> <p>1 Q. Do you recall this interaction with the 2 nurse? 3 A. That's not the way it happened, no. 4 Q. Could you please describe for me your 5 understanding of what actually happened in that 6 situation? 7 A. My dad could not breathe. I told her my 8 dad cannot breathe. And I told her if you're not 9 going to -- she said he can, he can breathe, he's 10 okay. I said no, he can't, he can't breathe. He's 11 gasping for air. You guys do something, you know, 12 and she wouldn't do anything. I said if you're not 13 going to care for my dad, then get another nurse 14 that will. I want somebody to take care of him. 15 She laughed at me, and that's what happened. 16 Q. And did security actually come to the 17 room? 18 A. I don't recall. I don't think they did 19 that day. 20 Q. Do you recall security asking you to 21 leave that day? 22 A. I don't recall that day. 23 Q. Do you recall anyone from security 24 instructing you not to come back if you are going to 25 behave like that?</p>
<p style="text-align: right;">Page 122</p> <p>1 MVH 18 and the middle entry for March 5th, 2008. 2 Do you see where I'm at? 3 A. Yes. 4 Q. It says, Patient's daughter Joyce came 5 out of the room and went straight to the charge 6 nurse saying that the patient cannot breathe, and 7 that I was not answering her questions and yelling 8 at her, which was not the case. She came to me and 9 accusing me of laughing at her and that I should not 10 take care of her dad. Security notified who came to 11 ask her to leave the room and instructed her not to 12 come back to the patient's room if she's acting like 13 this. 14 Did I read that correctly? 15 A. This is written all out of context. This nurse -- 17 Q. Just for now -- 18 MR. POTTER: He's just asking you if he read it correctly. 20 THE WITNESS: You read it correctly but in the wrong tone. 22 BY MR. TYLER: 23 Q. I understand that, but what is actually recorded by the nurse is what I just read; correct? 25 A. Yes.</p>	<p style="text-align: right;">Page 124</p> <p>1 A. No. I don't recall. Security didn't say that. Security said if you come back, we're having you arrested. They didn't say no ifs. There were no ifs. 5 Q. Let me show you Exhibit E. (Whereupon, Exhibit E was marked for identification.) 8 BY MR. TYLER: 9 Q. And what I'm showing you is an incident 10 report from March 7th, 2008. 11 Is that what it purports to be to you? 12 A. Yes. 13 Q. And we discussed this earlier. You were 14 asked about taking a cell phone from your brother. 15 Do you recall that question? 16 A. Yes. 17 Q. Is this report one that was generated as 18 a result of that allegation? 19 A. I don't know what this is. This is -- 20 I've never been -- I've never seen this. 21 Q. And you've never seen this incident 22 report before? 23 A. It was never discussed. This is the 24 first time I'm discussing it. 25 Q. And it looks like Officer Salgado, the</p>

<p>1 best I can make out.</p> <p>2 Did Officer Salgado ever speak to you</p> <p>3 about this?</p> <p>4 A. There was a secure -- a police officer</p> <p>5 came into -- I don't know who his name was.</p> <p>6 Q. And I'm just looking at reporting</p> <p>7 officer --</p> <p>8 A. There was an officer. I don't know his</p> <p>9 name.</p> <p>10 Q. What did he tell you had been alleged</p> <p>11 against you?</p> <p>12 A. He just asked if we -- I don't recall.</p> <p>13 He questioned me if I had seen my brother's phone or</p> <p>14 something.</p> <p>15 Q. And you've never seen the statements that</p> <p>16 were given by your brother and the nurse that are</p> <p>17 attached to this exhibit?</p> <p>18 A. Other than what you guys posted on the --</p> <p>19 your complaint -- your answer to the complaint.</p> <p>20 Q. So if this was produced in discovery, you</p> <p>21 read it in that case? Is that what you're trying to</p> <p>22 tell me?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p> <p>25 A. I think.</p>	<p>Page 125</p> <p>1 Q. Is there any point where you ever took</p> <p>2 your brother's cell phone?</p> <p>3 A. No.</p> <p>4 Q. Did you ever tell the nurse that you</p> <p>5 don't have a cell phone?</p> <p>6 A. No.</p> <p>7 Q. Do you normally carry a cell phone?</p> <p>8 A. I don't own a cell phone. I've never</p> <p>9 owned a cell phone.</p> <p>10 Q. Would you disagree with the nurse's</p> <p>11 statement that she saw you with a cell phone that</p> <p>12 matched the description of your brother's?</p> <p>13 A. Yes.</p> <p>14 Q. And at no point did you ever have your</p> <p>15 brother's cell phone or keep your brother's cell</p> <p>16 phone from his use?</p> <p>17 A. No.</p> <p>18 Q. Do you have any idea why your brother</p> <p>19 made the allegation that you did have his cell</p> <p>20 phone?</p> <p>21 A. No.</p> <p>22 Q. Do you believe that this is a false</p> <p>23 statement by your brother?</p> <p>24 A. I don't know.</p> <p>25 MR. POTTER: Objection; calls for a legal</p>
<p>1 Q. So you think you have reviewed it since</p> <p>2 this lawsuit has been instituted?</p> <p>3 A. I think I've seen it, yes.</p> <p>4 Q. Do you recall what allegations your</p> <p>5 brother made in his statement? Otherwise, I will</p> <p>6 just ask you to read through it quickly, if you can.</p> <p>7 A. No, I don't recall.</p> <p>8 Q. If you can, will you please read through</p> <p>9 his statement?</p> <p>10 A. Okay.</p> <p>11 Q. I will try to paraphrase a little to save</p> <p>12 us some time, but basically your brother's statement</p> <p>13 said that he sat down the phone at some point in</p> <p>14 your father's room and it went missing, and that</p> <p>15 then he called it, and you answered the cell phone.</p> <p>16 Do you recall that ever occurring?</p> <p>17 A. No. That's not what he said. He said he</p> <p>18 took it out of -- no, it never happened.</p> <p>19 Q. Your brother's cell phone never went</p> <p>20 missing, and he called it and you answered?</p> <p>21 A. I never answered.</p> <p>22 Q. Did you ever tell your brother that you</p> <p>23 were going to destroy his phone because he was</p> <p>24 trying to get a power of attorney?</p> <p>25 A. I don't recall.</p>	<p>Page 126</p> <p>1 conclusion.</p> <p>2 BY MR. TYLER:</p> <p>3 Q. Was there ever any follow-up on this</p> <p>4 incident report on the allegations of larceny, as</p> <p>5 far as you know?</p> <p>6 A. Not that I'm aware of.</p> <p>7 Q. I'm going to have you look back at</p> <p>8 Exhibit D. On Bates stamp page 21, and the first</p> <p>9 entry there is from March 9th, 2008, and by</p> <p>10 Shelley Guarnera.</p> <p>11 Do you see where I'm at?</p> <p>12 A. Yes.</p> <p>13 Q. It says, Received patient in bed, vitals</p> <p>14 as per flow sheet. Patient remains stable.</p> <p>15 Daughter in room and refusing to leave. Instructed</p> <p>16 patient's daughter that we have a history with her</p> <p>17 and that she will be asked to leave the hospital if</p> <p>18 she does not follow instructions from hospital</p> <p>19 staff. Supervisor and charge nurse aware of</p> <p>20 situation.</p> <p>21 Did I read that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. Is that -- do you have a recollection of</p> <p>24 that incident on March 9th, 2008?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 129</p> <p>1 Q. And what is your recollection? 2 A. I walked in, said hello to see my father. 3 I said hello to the nurse. She immediately told me 4 to sit down. She told me you better not say 5 nothing. He's getting the operation, and we have a 6 history of you, and if you say anything, we're going 7 to have you kicked out and arrested. That's the 8 first time I've ever seen that nurse. She was 9 saying that right in front of my dad.</p> <p>10 Q. And when she says, "refusing to leave," 11 did she ask you to leave at any point?</p> <p>12 A. No.</p> <p>13 Q. When she says, We have history with her, 14 do you have any idea what she was referring to as 15 far as the history?</p> <p>16 A. No. My dad was going to get the 17 operation. She didn't want me there.</p> <p>18 Q. And did she actually ask you to leave on 19 that night in question?</p> <p>20 A. I don't recall. She threatened me, to 21 kick me out.</p> <p>22 Q. And this is the first encounter you'd had 23 with that nurse before?</p> <p>24 A. Yes. That's the first time I had seen 25 her.</p>	<p style="text-align: right;">Page 131</p> <p>1 Q. And what is your understanding of what 2 Helen Vos's thought process was on kicking you out 3 of the hospital? Did she tell you -- 4 A. She didn't tell me -- 5 Q. -- why she was upset with you or asking 6 to leave? 7 A. She didn't tell me. She was just going 8 by what they told -- they told her on the phone. 9 Q. During this conversation with Helen Vos, 10 were you using an elevated voice or profanity or was 11 it -- could you describe the conversation, the tone 12 of it? 13 A. No. There was a meeting across the way, 14 and they were -- no. They were in another meeting. 15 I don't know who they were. I just remember that 16 there were other people in there. 17 Q. Other people in the meeting? 18 A. No. In that office there. 19 Q. So as far as you know, there was no 20 reason whatsoever why Helen Vos or security became 21 involved in that situation? 22 A. Other than I -- Helen Vos, I requested 23 that she be involved because I wanted to be with my 24 dad. 25 Q. But you have no idea why she would have</p>
<p style="text-align: right;">Page 130</p> <p>1 Q. On March 11th, 2008, you reference in 2 your discovery responses that you had interaction 3 with Helen Vos, and afterwards you were assaulted 4 and forced to leave the hospital. 5 Do you recall that? 6 A. Vaguely. 7 Q. Could you describe for me what that 8 interaction was with Ms. Vos and the subsequent 9 interaction with security? 10 A. What was the date? 11 Q. March 11th, 2008. 12 A. The security guards kept harassing me 13 throughout; so I will try to remember. They kicked 14 me out. They wouldn't let me in. They wouldn't let 15 me be with my dad. The nurses wouldn't let me be 16 there. 17 I wanted to speak to the lead nurse, and 18 then I spoke to Helen Vos. She said that she runs 19 the whole hospital. She is in charge of the whole 20 hospital and nobody is above her, and she's the one 21 to speak to. She basically runs the whole hospital. 22 So I asked her -- I told her my dad is 23 very sick, and why can't I be with him. And she 24 said hold on, and she made a phone call, and she 25 called security and had security kick me out then.</p>	<p style="text-align: right;">Page 132</p> <p>1 contacted security? 2 A. No. I was asking her for help, and she 3 didn't help. Instead she contacted security and had 4 me kicked out. And my mom kept calling to try to 5 request let me back in. She wanted to know why 6 also. 7 Q. Okay. I want to turn your attention to 8 Exhibit C again. That's the security guard log. 9 And go to the second page of that. It's 10 Bates stamped MVH 31. And that entry is dated 11 03/12/08. 12 Do you see where I'm looking at the top 13 of the page? 14 A. Yes. 15 Q. It says, Dr. Strong in ICU No. 3, visitor 16 Joyce Zaic causing disturbance, asked to leave. 17 Call to administration. Joyce Zaic talking with 18 Helen Vos. Standing by. Escorted Joyce Zaic out of 19 building. 20 Did I read that correctly? 21 A. Yes. 22 Q. And do you recall that incident in 23 question? 24 A. That he summarized it. 25 Q. And when they say Joyce causing</p>

<p style="text-align: right;">Page 133</p> <p>1 disturbance, what type of disturbance would they be 2 describing?</p> <p>3 A. There was no disturbance. I have no 4 idea.</p> <p>5 Q. And you didn't have any interaction with 6 any MountainView staff or any kind of words with 7 anyone that was an employee?</p> <p>8 A. No.</p> <p>9 Q. And do you have any idea who asked you to 10 leave or why?</p> <p>11 A. No.</p> <p>12 Q. And you don't --</p> <p>13 A. No. I don't know.</p> <p>14 Q. And you don't remember interacting with 15 any of the nursing staff or anyone else?</p> <p>16 A. No. I might have -- if I remember 17 something vaguely, I think I asked them for a status 18 update on my dad, and they wouldn't give me one.</p> <p>19 Q. And then how did it progress --</p> <p>20 A. And then they kicked me out.</p> <p>21 Q. How did it progress from you asking for a 22 status update to getting kicked out?</p> <p>23 A. I don't know. They wouldn't let me be 24 with my dad. I have no idea.</p> <p>25 Q. No other interaction between you and the</p>	<p style="text-align: right;">Page 135</p> <p>1 five-minute visitation, she will be trespassed and 2 not be allowed in the hospital. This has been 3 explained to Joyce. If you have any other problems, 4 such as she refuses to leave after being told to, 5 call Metro and have her trespassed.</p> <p>6 Did I read that correctly?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall having a conversation like 9 this with Chris Simms and Helen Vos?</p> <p>10 A. No. This conversation never occurred.</p> <p>11 Q. There was no conversation whatsoever with 12 the two of them, or it just was different than the 13 way it's recorded in this statement?</p> <p>14 A. It was -- it never occurred. It wasn't 15 different. It never happened. This conversation 16 never took place with me.</p> <p>17 Q. And did you ever have any conversations 18 with Chris Simms at all on March 12th, 2008?</p> <p>19 A. I don't recall.</p> <p>20 Q. At any point did anyone, other than 21 Helen Vos or Chris Simms, discuss with you any type 22 of limited visitation?</p> <p>23 A. No.</p> <p>24 Q. At any point later on was this discussed 25 at all?</p>
<p style="text-align: right;">Page 134</p> <p>1 staff other than just asking for a status update?</p> <p>2 A. Yes. That's it.</p> <p>3 Q. I want to show you what will be F. (Whereupon, Exhibit F was 5 marked for identification.)</p> <p>6 MR. TYLER: We'll come back to it. Let's 7 make this G.</p> <p>8 (Whereupon, Exhibit G was 9 marked for identification.)</p> <p>10 BY MR. TYLER:</p> <p>11 Q. I'm giving you G, which is a document 12 created by security for MountainView in reference to 13 that same date. I'm looking at Bates Stamp MVH 33, 14 and at the top it's dated March 12th, 2008.</p> <p>15 Do you see what I'm looking at?</p> <p>16 A. Yes.</p> <p>17 Q. And it says, We are again having problems 18 with a visitor, Joyce Zaic, in ICU No. 3, 19 Room No. 229. Helen Vos and myself have come up 20 with a temporary solution to this. Joyce will only 21 be allowed in the hospital at 10:00 a.m. and 22 2:00 p.m. for five minutes to visit her father. ICU 23 nurses will call when she arrives and we will go 24 stand by. If for any reason she begins to display 25 hostility towards the staff or does not stick to the</p>	<p style="text-align: right;">Page 136</p> <p>1 A. I don't recall.</p> <p>2 Q. As far as you're concerned, though, this 3 conversation or any limitations never existed?</p> <p>4 A. It was never brought to my attention.</p> <p>5 Q. All right. I want to look again at the 6 security log, Exhibit C. I'm looking at the middle 7 of Bates stamp MVH 31. And there's three separate 8 entries for 03/13/08.</p> <p>9 The first one says, Checked ICU No. 3, 10 Room No. 229, to see if visitor Joyce Zaic has 11 arrived.</p> <p>12 Then Clear from ICU No. 3, Zaic did not 13 arrive. Called to Room No. 229, visitor Joyce Zaic 14 is in room.</p> <p>15 And then there is another entry at 1310, 16 Joyce Zaic left property.</p> <p>17 Did I read those correctly?</p> <p>18 A. Yes.</p> <p>19 Q. Do you have any idea why they would have 20 been checking the room or timing the length of your 21 visitation if the five-minute visitation had not 22 been in effect at that point?</p> <p>23 A. They're stalking me. They're harassing 24 me. They have nothing else better to do than to 25 harass me. They are bored with their job.</p>

<p style="text-align: right;">Page 137</p> <p>1 Q. So as far as you know, the statements 2 that are entered here have nothing to do with any 3 type of limited visitation? 4 A. As far as I'm aware. 5 Q. And do you remember interacting with 6 security on this day in question? 7 A. I don't remember. 8 Q. Is there any particular reason you only 9 visited your father for five minutes on this date? 10 A. On this date? 11 Q. Is that a "no"? 12 A. I don't recall. 13 Q. Again, the entry directly below that is 14 for 03/14/08. Stand by in ICU No. 3, waiting for 15 visitor for Room No. 229. Clear ICU No. 3, visitor 16 did not show up. Stand by ICU No. 3, Room No. 229, 17 Joyce Zaic here to see father. Clear from ICU 18 No. 3. 19 And the timings on those are at 20 10:00 a.m. and then about 12:30. Any idea why they 21 would have been waiting for you or monitoring you on 22 that date? 23 A. To harass me. 24 Q. And at this point, it still would have 25 nothing to do with any type of limited visitation</p>	<p style="text-align: right;">Page 139</p> <p>1 Q. Do you know if you were asked to leave 2 the hospital on March 15th, 2008? 3 A. I was asked to leave the hospital several 4 times. I don't recall the dates. I recall some of 5 the dates but not all of them. 6 Q. Do you know if you were, quote, hollering 7 and swearing at anyone on that date? 8 A. It was March 17th. No, I was not 9 hollering and swearing. 10 Q. As far as you know, there was no 11 altercations at all on March 15th? 12 A. No. 13 MR. POTTER: She said 17th. I think 14 you're saying 15th. 15 He's talking 17th -- or 15th. 16 THE WITNESS: No, nothing on the 15th. 17 BY MR. TYLER: 18 Q. I'm going to have you look at Exhibit D, 19 and that's the nurse charting. I'm on Bates stamp 20 MVH 24. And at the -- the top entry is also dated 21 March 15th, 2008. 22 Do you see where I'm at? 23 A. Yes. 24 Q. It says, Received report, assessment 25 done. Sedated, on vent. Continue with Primacor and</p>
<p style="text-align: right;">Page 138</p> <p>1 scheduled for you? 2 A. They might have -- not as far as I'm 3 aware. There might not have been one. They 4 might -- I didn't know of any. If they set one 5 between themselves, nobody let me know about it. 6 Q. Let me go ahead and have you go to the 7 next page. And this is an entry from March 15th, 8 2008. It says, Received call -- I'm at 10:25. It 9 says, Received call from PBX that above visitor 10 showed up to visit. I told her she would have to 11 leave that hospital, that visiting times for her 12 were 10:00 to 10:05 and 1400 to 1405. She started 13 hollering and swearing at me at the time of 14 extraction. Report to follow. 15 Do you recall that incident at all? 16 A. Who was this? 17 Q. This would have been entered by the 18 security guard. 19 A. This is the security guard writing this? 20 Q. Yeah. 21 A. No. I didn't have that conversation with 22 the security guard. 23 Q. Did you have any interaction with the 24 security guard at all on March 15th, 2008? 25 A. No. I don't recall.</p>	<p style="text-align: right;">Page 140</p> <p>1 Levophed infusions. 10:25, daughter Joyce in, not 2 during established visiting times. Security 3 notified. Before security arrived in ICU, she was 4 very agitated, yelling at desk, demanding that Metro 5 be called, calling nurse a liar about the visitation 6 rules, escorted out of ICU, yelling at security out 7 into the hall. Heard by other visitors who came out 8 to stand in doorways. 9 Did I read that correctly? 10 A. Yes. 11 Q. Again, this is the same date and time as 12 the security guard entry we just looked at. 13 Does this refresh your recollection at 14 all whether anything occurred on the 15th? 15 A. Yes. But I thought it was the 16th. 16 Q. And what did this trigger in your memory 17 as to the occurrence on the 15th? 18 A. I came, and I went to visit my dad, and 19 this nurse said you're not allowed here. You're 20 only allowed here certain times or whatever. And I 21 didn't know what she was talking about. She 22 wouldn't let me be with my dad, and then they -- I 23 think they called security or I went to Helen Vos, I 24 don't remember. Something happened, and the next 25 thing I know, security had me in handcuffs out in</p>

<p style="text-align: right;">Page 141</p> <p>1 the parking lot. And the police --</p> <p>2 Q. And I don't mean to interrupt you, but I</p> <p>3 think you may be confusing the 15th and 17th again.</p> <p>4 A. Okay.</p> <p>5 Q. As far as I know, you were never</p> <p>6 handcuffed the 15th, but if that's different, please</p> <p>7 let me know.</p> <p>8 A. Okay, I'm confused. Maybe I'm confusing</p> <p>9 them again. So this must -- the Helen Vos thing is</p> <p>10 another one. There were so many of them. She said</p> <p>11 I'm not allowed here. I didn't know what she was</p> <p>12 talking about, and she wouldn't let me be with my</p> <p>13 dad.</p> <p>14 Q. At this point had several people told you</p> <p>15 that you are not allowed because of -- your</p> <p>16 visitation is limited at this stage?</p> <p>17 A. I think that's -- they kept saying that,</p> <p>18 and I don't know what they're talking about because</p> <p>19 it wasn't limited. Nobody never told me it was</p> <p>20 limited.</p> <p>21 Q. When these nurses kept telling you that</p> <p>22 you had limited visitation, did you ever follow up</p> <p>23 on that if you didn't know what they were referring</p> <p>24 to?</p> <p>25 A. I tried to speak to Helen Vos about it,</p>	<p style="text-align: right;">Page 143</p> <p>1 physician-instituted one for a couple days?</p> <p>2 A. Yes, like a day or two.</p> <p>3 Q. And you're not aware of any one that was</p> <p>4 done in conjunction with security in the nurses'</p> <p>5 desk?</p> <p>6 A. No.</p> <p>7 Q. Do you recall calling the nurse a liar at</p> <p>8 all during this interaction?</p> <p>9 A. No.</p> <p>10 Q. And do you remember being walked out of</p> <p>11 the ICU?</p> <p>12 A. No.</p> <p>13 Q. Any yelling at the staff?</p> <p>14 A. No yelling at the staff. I don't</p> <p>15 remember if I walked out of ICU myself to get</p> <p>16 Helen Vos for help. I also went to Todd Isbell's</p> <p>17 office for help. He's in charge of the ICU. That's</p> <p>18 what he said. And then Helen Vos is in charge of</p> <p>19 the whole nursing unit, in the whole hospital she</p> <p>20 stated.</p> <p>21 Q. And do you remember when this whole scene</p> <p>22 transpired? Do you remember other patients or their</p> <p>23 families or visitors coming out in the hallway to</p> <p>24 see what was going on?</p> <p>25 A. I don't recall.</p>
<p style="text-align: right;">Page 142</p> <p>1 and my family members also tried to talk. Yes, I</p> <p>2 tried.</p> <p>3 Q. At this point, you maintain you still</p> <p>4 didn't know about any type of limitation on your</p> <p>5 visitation?</p> <p>6 A. I don't know anything about a limitation.</p> <p>7 Q. And you hadn't been able to follow up and</p> <p>8 get any information from anyone else?</p> <p>9 A. No.</p> <p>10 Q. Do you recall yelling at the desk? I</p> <p>11 assume that means the nurses' station.</p> <p>12 A. No.</p> <p>13 Q. Do you recall demanding that Metro be</p> <p>14 called?</p> <p>15 A. I don't recall, but I could have because</p> <p>16 they wouldn't let me see my dad.</p> <p>17 And I would like to back up. I think</p> <p>18 with the five-minute thing, I think the doctor did</p> <p>19 say when my dad was trying to heal, he just wanted</p> <p>20 us in there for five minutes at a time. But then</p> <p>21 she lifted that and we were in there. She just said</p> <p>22 for a day or two, and then we were allowed to go</p> <p>23 back in there during normal visiting hours.</p> <p>24 Q. So the only limitation you ever knew of</p> <p>25 on your visitation would have been a</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. Now, the 17th, which I know you remember</p> <p>2 that one. So let's go first to Exhibit C, which is</p> <p>3 the security log. And I'm on Bates stamp MVH 32.</p> <p>4 It says, Received phone call from</p> <p>5 Joyce Zaic (aka Pam Browne). Zaic making harassing</p> <p>6 phone calls to administration. Verbally abusive</p> <p>7 towards me on phone. Spoke with staff in ICU No. 3</p> <p>8 regarding Joyce Zaic. Called to ICU No. 3.</p> <p>9 Joyce Zaic on property. Had PBX contact Metro for</p> <p>10 trespass. Zaic became combative striking Maurice</p> <p>11 twice. Zaic placed in handcuffs. Metro arrive.</p> <p>12 Zaic formally trespassed.</p> <p>13 Do you recall -- did I read that</p> <p>14 correctly, first of all?</p> <p>15 A. You read it.</p> <p>16 Q. You do you recall the incidents of</p> <p>17 March 17th?</p> <p>18 A. No.</p> <p>19 Q. You don't recall them at all?</p> <p>20 A. Not all of them. That didn't happen like</p> <p>21 that.</p> <p>22 Q. Do you recall initially making calls to</p> <p>23 MountainView identifying yourself as Pam Browne?</p> <p>24 A. Yes.</p> <p>25 Q. And why were you calling as Pam Browne?</p>

<p style="text-align: right;">Page 145</p> <p>1 A. Because they wouldn't answer questions. 2 They wouldn't -- the operator would not send 3 Joyce Zaic through. She kept saying who is this. 4 She wanted to know who it was when I called them and 5 I asked can you connect me to ICU, the ICU room. 6 And she asked who it was and she kept hanging up on 7 me.</p> <p>8 Q. And do you have any idea why she wouldn't 9 forward your calls or why she would be hanging up on 10 you?</p> <p>11 A. Security must have told her to.</p> <p>12 Q. Had they discussed you having any kind of 13 problems with you calling in?</p> <p>14 A. No. They didn't discuss anything with 15 me. They just kept hanging up on me.</p> <p>16 Q. Had you had any problems with calling in 17 before this.</p> <p>18 A. I called. I wanted to see my dad. I 19 wanted to know what is the status of his health. I 20 called. Yes, I called. And they said that they're 21 going to allow everybody in there; so I called and 22 disguised myself as Pam Browne.</p> <p>23 Q. And how frequently were you calling at 24 this point?</p> <p>25 A. I don't recall.</p>	<p style="text-align: right;">Page 147</p> <p>1 transferring me to ICU. 2 Q. But do you remember your conversation 3 with security, though? 4 A. No. 5 Q. Do you remember being verbally abusive at 6 all during any of these calls? 7 A. No. No abusive verbally, no. 8 Q. Any raised voice or use of profanity? 9 A. No. 10 Q. Did you eventually visit the property 11 later that day? 12 A. What day is this? The 17th? 13 Q. The 17th. 14 A. This is around the same time. I 15 believe -- yeah, I think so. I don't recall. I 16 don't know exactly what happened. I think they let 17 me in. 18 Q. Do you remember being asked to leave at a 19 certain point during your visitation? 20 A. Yes. 21 Q. And why -- what is your understanding of 22 why you were asked to leave? 23 A. I don't know. 24 Q. Did you have any kind of -- 25 A. They wouldn't tell me.</p>
<p style="text-align: right;">Page 146</p> <p>1 Q. Did you ever make any kind of threats 2 during these phone calls?</p> <p>3 A. No.</p> <p>4 Q. They say, Making harassing phone calls to 5 administration.</p> <p>6 Did you place any calls to 7 administration?</p> <p>8 A. Helen Vos is administration. I tried to 9 get ahold of her to ask why. I wanted an answer 10 why.</p> <p>11 Q. Anybody else in administration you were 12 calling?</p> <p>13 A. No.</p> <p>14 Q. At this point, were you still using the 15 alias?</p> <p>16 A. No.</p> <p>17 Q. And this is an entry by the security 18 guard. It says, Verbally abusive towards me on 19 phone.</p> <p>20 Do you remember talking to the security 21 guard?</p> <p>22 A. When I called in to -- when I called the 23 nurse, she transferred me to security. Not the 24 nurse, but I called the -- the operator would pick 25 up and transfer me to security instead of</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. I'm sorry, go ahead.</p> <p>2 A. They wouldn't tell me.</p> <p>3 Q. Did you have any interactions with 4 anyone, any altercations, any verbal disputes?</p> <p>5 A. No. They said because I'm not supposed 6 to be there. I think that's what they said why 7 they're kicking me out. I'm only allowed there five 8 minutes or something. 10:00 and 2:00 or something, 9 like what it says.</p> <p>10 Q. Who was it that told you this? The nurse 11 or security?</p> <p>12 A. I don't recall.</p> <p>13 Q. When you were asked to leave the 14 hospital, did you go under your own volition, or how 15 did that transpire?</p> <p>16 A. Security -- security forced me out.</p> <p>17 Security came into Helen Vos' office --</p> <p>18 Q. So security came into your dad's room? 19 Or were you somewhere else on the property?</p> <p>20 A. I think I was in Helen Vos' office again.</p> <p>21 I don't recall.</p> <p>22 Q. Okay. So they came to Helen Vos' office, 23 and then did they ask you to leave and you left, or 24 what happened after that?</p> <p>25 A. They took orders from Helen Vos, and they</p>

<p style="text-align: right;">Page 149</p> <p>1 told -- I don't recall. Security, they had me in 2 handcuffs, so --</p> <p>3 Q. So they go to Helen Vos' office. Were 4 you handcuffed right away? Were you walked out of 5 the hospital? Did you leave on your own? How did 6 you end up getting to that point?</p> <p>7 A. I don't recall.</p> <p>8 Q. Somebody did handcuff you?</p> <p>9 A. I think they followed me out to -- they 10 followed me out. Security followed me out.</p> <p>11 Q. They followed you out of the front of the 12 hospital?</p> <p>13 A. From the 17th -- yes.</p> <p>14 Q. And then what happened from there once 15 you got outside of the hospital?</p> <p>16 A. I -- they kept following me. I didn't 17 want them to know what kind of car I drove.</p> <p>18 Q. So security followed you to the parking 19 lot?</p> <p>20 A. Yes. They're following me out to the 21 parking lot --</p> <p>22 Q. At this point there had not been any 23 physical contact with them or altercations?</p> <p>24 A. I don't remember. I don't recall.</p> <p>25 Q. So you're in the parking lot. What</p>	<p style="text-align: right;">Page 151</p> <p>1 A. Maurice was there, and then 2 Christopher Simms came afterwards.</p> <p>3 Q. Just the two of them?</p> <p>4 A. I think there was a third one. I 5 don't -- there was a third one. I don't recall, 6 though.</p> <p>7 Q. So they are standing in the parking lot. 8 You are sitting on the bench.</p> <p>9 You said they were having interactions 10 with you, calling you names?</p> <p>11 A. Yes.</p> <p>12 Q. What were they saying?</p> <p>13 A. Oh, you're -- they were calling me names, 14 derogatory names, b-i-t-c-h, c-u-n-t. They were 15 just calling me names. They were being awful, 16 Maurice was.</p> <p>17 Q. And the other security guards were 18 present, all three of them were there?</p> <p>19 A. No, just Maurice was at that time. The 20 one left. The one went inside, and then Maurice 21 came back out when the --</p> <p>22 Q. So how long did this go on that you were 23 sitting at the bus stop and Maurice was waiting in 24 the parking lot?</p> <p>25 A. I don't know exactly, but if I had to</p>
<p style="text-align: right;">Page 150</p> <p>1 happens at that point?</p> <p>2 A. I think they said they were going to have 3 me arrested.</p> <p>4 Q. And what did you do then?</p> <p>5 A. I went and sat on the park bench in front 6 of Tenaya. Not the park -- yeah, the bus stop 7 bench, waiting for the security guards to leave the 8 parking lot so I can get in my truck to leave.</p> <p>9 Q. And did you ask them at any point if you 10 could get in your truck to leave?</p> <p>11 A. They said -- yes, they did. They said, 12 If you come on this property, we're going to arrest 13 you. And, you know, so I was waiting for them to 14 leave so I can go back on the property so they 15 wouldn't see what kind of car I was driving. And 16 they wouldn't leave. They kept waiting for me 17 there. They were watching me.</p> <p>18 Q. So once you get to the bus stop, how long 19 is it until you have more interaction with the 20 security guards?</p> <p>21 A. They were interacting the whole time. 22 They were calling me names as I was sitting there at 23 the bus stop, and they wouldn't leave.</p> <p>24 Q. Who was there as far as security guards? 25 Was it security guards, plural?</p>	<p style="text-align: right;">Page 152</p> <p>1 approximate, probably -- it felt like maybe half an 2 hour, 15 -- between 15 minutes and a half an hour, a 3 long time maybe, yeah.</p> <p>4 Q. And what was your thought process? You 5 were just trying to wait him out to get back to your 6 truck --</p> <p>7 A. Yes.</p> <p>8 Q. -- or you were waiting for Metro, or 9 what?</p> <p>10 A. No. Metro, I didn't -- Metro wasn't even 11 on my mind. I didn't even think Metro was going to 12 come. I didn't do anything wrong.</p> <p>13 Q. So after a half hour of conversation back 14 and forth with Maurice, what happened then?</p> <p>15 A. Then he starts running after. I see him. 16 I'm watching him. He gets on his intercom, his 17 walkie-talkie or whatever, and then he comes back 18 running towards me. He said, My boss just told me 19 that we own the sidewalk or something. Because I 20 said you can't touch me over here. You don't own 21 the sidewalk. The City owns the sidewalk. You 22 can't, you know -- this isn't your property.</p> <p>23 And then he gets on the intercom. He 24 goes, My boss just told me this is -- we -- the 25 hospital owns the sidewalk and to put you in</p>

<p style="text-align: right;">Page 153</p> <p>1 handcuffs, whatever he said, to arrest you, have you 2 arrested.</p> <p>3 So he started chasing me across Tenaya. 4 I'm running across the street, and in the middle of 5 the street cars were honking, and he tackled me in 6 the middle of the street, grabbed me, put me in 7 handcuffs in the middle of the street, and pulled me 8 back onto the parking lot, in -- on -- to the 9 hospital.</p> <p>10 Q. When would this have been approximately 11 during the day? Afternoon? Morning? Night?</p> <p>12 A. Afternoon.</p> <p>13 Q. Afternoon?</p> <p>14 A. Late afternoon.</p> <p>15 Q. And I assume late afternoon Tenaya was 16 fairly busy?</p> <p>17 A. It was busy.</p> <p>18 Q. When you guys ran out into the street, 19 did it cause a scene with traffic --</p> <p>20 A. Yes.</p> <p>21 Q. -- did anybody stop or anything?</p> <p>22 A. They honked. They didn't stop. They 23 honked and they yelled out the window, and that's 24 it. That's what they did.</p> <p>25 Q. So once Maurice follows you on Tenaya,</p>	<p style="text-align: right;">Page 155</p> <p>1 You're his boss. Make him stop. You know, I 2 thought he would do the right thing, and he didn't. 3 Q. And this is while you are sitting on the 4 ground waiting for Metro, he is pulling on your arm?</p> <p>5 A. I think so. He did it when I was 6 standing up and when I was sitting down.</p> <p>7 Q. And were you sitting on a curb, or what 8 were you sitting on?</p> <p>9 A. No. There was cement, and then there was 10 grass, and then there was both.</p> <p>11 Q. But were you physically sitting on the 12 asphalt or sitting on a curb or the grass or -- 13 A. I remember asphalt, and then I also 14 remember grass; so I remember both.</p> <p>15 Q. And did you suffer any kind of injury 16 because of the handcuff?</p> <p>17 A. There was bruises.</p> <p>18 Q. Did you take any pictures of that?</p> <p>19 A. No.</p> <p>20 Q. Did you seek any medical treatment for 21 that?</p> <p>22 A. No.</p> <p>23 Q. And what about with Maurice pulling on 24 your arm?</p> <p>25 A. He was pulling on my arm. He was pulling</p>
<p style="text-align: right;">Page 154</p> <p>1 pulls you back into the parking lot -- first of all, 2 describe for me how he pulled you back from Tenaya 3 into the parking lot.</p> <p>4 A. He handcuffed me in the middle of Tenaya.</p> <p>5 Q. Behind your back?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know if he double locked you?</p> <p>8 A. I don't know what that means.</p> <p>9 Q. He used regular handcuffs like you've 10 seen before, the metal handcuffs, or did he have zip 11 ties, or do you know?</p> <p>12 A. They were handcuffs.</p> <p>13 Q. Okay. He handcuffed you behind your back 14 and took you back into the parking lot, and then 15 what happened?</p> <p>16 A. Yes.</p> <p>17 Q. What happened after that?</p> <p>18 A. He pulled me by my arm in the parking 19 lot, and he forced me to sit down, and then the 20 police arrived or Chris Simms was there, and, you 21 know, he kept pulling my arm up so it was like 22 jerking, and I told Chris Simms, you know, Look, 23 he's doing this. Make him stop. You know --</p> <p>24 Q. This being Maurice?</p> <p>25 A. Yes. I go, Make him stop. I said,</p>	<p style="text-align: right;">Page 156</p> <p>1 them up, trying to hurt me, like pulling it up.</p> <p>2 Q. Did he give you any reason why he was 3 doing that?</p> <p>4 A. No. He didn't talk. The guy didn't 5 talk. He was doing that because he wanted to hurt 6 me.</p> <p>7 Q. And when Metro arrived, did you tell them 8 that that had occurred?</p> <p>9 A. Yes.</p> <p>10 Q. And what did Metro say?</p> <p>11 A. I said I think my arm is broken. He kept 12 pulling on it. He didn't say anything. He yelled 13 at me. He said if your arm was broken, you would 14 know it.</p> <p>15 Q. This is the Metro officer?</p> <p>16 A. Yes.</p> <p>17 Q. Describe for me, if you can, the 18 interaction the Metro officer had in chronological 19 order, if he talked to you first or security first 20 and what you remember him saying.</p> <p>21 A. He talked to security. He didn't talk to 22 anybody. He just said -- I don't remember him -- I 23 don't recall him talking to anybody. I think he 24 just -- he said, Last time I came, you left. He was 25 yelling at me, You left the scene last time I was</p>

<p style="text-align: right;">Page 157</p> <p>1 called here.</p> <p>2 And then I think he told them to take the 3 handcuffs off me, I think. And -- and then he 4 said -- he said -- I think -- he said he is going to 5 have me arrested. And then he checked, I think the 6 security guard -- the security guard said, We want 7 her arrested. And he called the police on the 8 phone, whatever, his car, and then he came back and 9 he said, You're lucky I'm not arresting you.</p> <p>10 I said, I'm supposed to be here. I'm 11 allowed to be here, you know. You can call my 12 brothers. They will tell you I'm allowed to be 13 here. And my dad is up there in the hospital room, 14 and he's sick, and I just want to be here with him.</p> <p>15 And he said -- him -- and he said no. He 16 goes, I don't have any jurisdiction over this 17 hospital. If they want you kicked out, you have to 18 be kicked out. I'm not even allowed in this 19 hospital unless they say I'm allowed here. He goes, 20 And I'm the police.</p> <p>21 So -- and he threatened me, said he was 22 going to have me arrested, and then I gave him my 23 brothers' phone numbers. I said to call my 24 brothers. They're police officers. They will tell 25 you I'm allowed to be here. I thought my brothers</p>	<p style="text-align: right;">Page 159</p> <p>1 A. That's what I can recall. There might 2 have been more. I just don't recall at this time.</p> <p>3 Q. Let me show you F, which you already 4 marked.</p> <p>5 (Whereupon, Exhibit F was 6 marked for identification.)</p> <p>7 BY MR. TYLER:</p> <p>8 Q. This is the actual risk report created by 9 Chris Simms, and at the bottom it says, On Monday, 10 March 17th, 2008, at 1450 hours, I, Chris Simms, was 11 contacted via telephone that visitor Joyce Zaic was 12 causing a disturbance inside the unit, yelling and 13 screaming at the nursing staff. I advised Security 14 Officer Maurice Daveu to respond to the location. 15 On my arrival nursing staff told me that Maurice had 16 already walked Zaic out of the unit and was heading 17 towards the elevator.</p> <p>18 Is this your understanding this is the 19 same incident that we have just been discussing?</p> <p>20 A. Yes.</p> <p>21 Q. And it lists that that occurred 22 approximately 1450 hours.</p> <p>23 Do you have any reason to dispute that?</p> <p>24 A. No. That's approximate.</p> <p>25 Q. Okay. Let me show you Exhibit H.</p>
<p style="text-align: right;">Page 158</p> <p>1 would help me in the situation when I'm going to be 2 arrested.</p> <p>3 And he said he tried to call one and he 4 couldn't get ahold of one, and the other one he got 5 ahold of, he said. And my brother told him -- I 6 don't know what he said. I don't know the 7 conversation between those two.</p> <p>8 He came back and he said, You're lucky 9 I'm not arresting you. There's no -- there's no 10 proof of your prior trespassing.</p> <p>11 Q. When he said that I had been here before 12 and I missed you, do you know what he was 13 referencing, the Metro officer?</p> <p>14 A. No.</p> <p>15 Q. Do you have any idea of Metro being 16 called to come arrest you?</p> <p>17 A. Maybe one of the previous times when 18 security kicked me out, they might have called. I 19 don't know.</p> <p>20 Q. Any other interaction with the officer at 21 that point?</p> <p>22 A. He said if you come back here, 23 we're going to arrest you. And I got in my car and 24 left.</p> <p>25 Q. And at that point they let you go?</p>	<p style="text-align: right;">Page 160</p> <p>1 (Whereupon, Exhibit H was 2 marked for identification.)</p> <p>3 BY MR. TYLER:</p> <p>4 Q. This is Bates stamped MVH 35 and MVH 36.</p> <p>5 MR. POTTER: Right there at the bottom.</p> <p>6 BY MR. TYLER:</p> <p>7 Q. Have you seen this document before?</p> <p>8 A. No.</p> <p>9 Q. Are you familiar with trespass cards?</p> <p>10 A. No.</p> <p>11 Q. Have you ever seen one before?</p> <p>12 A. No.</p> <p>13 Q. This trespass card on MVH 35 lists your 14 name and date of trespass as 03/17/08 and a time of 15 1520.</p> <p>16 Did you ever receive this card on that 17 time -- at that date and time?</p> <p>18 A. I don't recall.</p> <p>19 Q. Is it possible that the officer would 20 have gave you this card at that date and time?</p> <p>21 MR. POTTER: Objection; calls for 22 speculation.</p> <p>23 THE WITNESS: I don't recall.</p> <p>24 BY MR. TYLER:</p> <p>25 Q. Do you remember anyone discussing a</p>